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# 2010 Meeting Notices

## Vol. 3

Cable Advisory  
Committee  
Capital Outlay  
Charter Review

2010 MAR 18 AM 10 47

TOWN CLERK'S OFFICE  
BOURNE, MASS

## **CABLE TELEVISION ADVISORY COMMITTEE MEETING NOTICE**

Date

Thursday  
March 25, 2010

Time

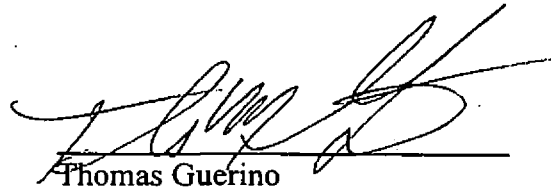
9:30 AM

Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Lower Conference Room

### **AGENDA**

1. Call meeting to order
2. Attorney Peter Epstien - overview on what needs to be accomplished.
3. What is an ascertainment agreement and what are the Town's responsibilities.
4. What about competition?
5. The need to establish a new not for profit for the local access.
6. Other business.
7. Adjournment



Thomas Guerino

Date: March 18, 2010

cc: Town Clerk  
Selectmen

2010 APR 15 AM 9 25

TOWN CLERK'S OFFICE  
**CABLE TELEVISION ADVISORY COMMITTEE  
MEETING NOTICE**

Date

Tuesday  
April 20, 2010

Time


9:30 AM

Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Lower Conference Room

**AGENDA**

1. Call meeting to order
2. Discussion on public hearing agenda
3. Vote regarding Attorney Peter Epstein's proposal
4. Other business.
5. Adjournment



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Thomas Guerino  
Date: April 15, 2010

cc: Town Clerk  
Selectmen

## CABLE TELEVISION ADVISORY COMMITTEE MEETING NOTICE

Date

Wednesday  
May 5, 2010

Time

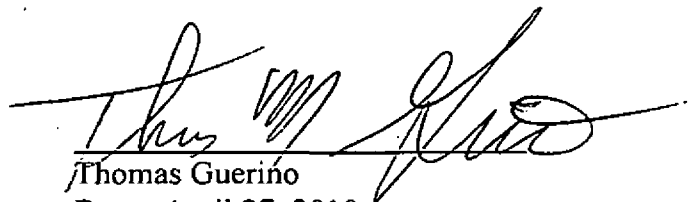
9:00 AM

Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Lower Conference Room

### AGENDA

1. Call meeting to order
2. Preparation for Cable Television Ascertainment hearing
3. Other business
4. Adjournment



Thomas Guerino

Date: April 27, 2010

cc: Town Clerk  
Selectmen

TOWN CLERK'S OFFICE  
Bourne, MA 02532

2010 APR 28 AM 10 18

Comcast®

2010 JUL 8 AM 9 12

TOWN CLERK'S OFFICE  
June 23, 2010

Comcast Cable  
676 Island Pond Road  
Manchester, NH 03109  
603.695.1400 Tel  
603.628.3303 Fax  
www.comcast.com

RECEIVED

JUN 28 2010

TOWN OF BOURNE  
BOARD OF SELECTMEN

Board of Selectmen  
Town of Bourne  
24 Perry Ave.  
Bourne, MA 02532

**Re: Bourne Ascertainment Hearing Transcript – June 2, 2010**

Dear Chairman and Members of the Board:

Please find enclosed a copy of the transcript for the ascertainment hearing regarding the Cable Television License for the Town of Bourne.

Please take note that due to copyright laws, the enclosed transcript cannot be copied and/or posted on the Internet without the prior consent of the court reporter. If you have any questions regarding this mailing, please feel free to contact me at (603) 695-1492.

Sincerely,



Denise Mason  
Franchising Specialist

/dmm  
Enclosure

cc: Thomas Guerino, Town Administrator – c/o Town Hall  
Cable Advisory Committee – c/o Town Hall  
Nick Leuci – Comcast Vice President of Government & Community Relations  
Bob Carr – Comcast Sr. Director of Government Relations  
Mary O'Keeffe – Comcast Sr. Manager of Government & Community Relations

TOWN CLERK'S OFFICE  
JUL 7 AM 10 44

Comcast

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BOURNE

MEETING OF THE  
CABLE ADVISORY COMMITTEE

Wednesday, June 2, 2010

7:00 P.M.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

COMCAST CABLE ASCERTAINMENT HEARING

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Held at:  
Bourne Veterans Memorial Community Center  
239 Main Street  
Buzzards Bay, Massachusetts  
02532

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KAREN SMITH REPORTING  
14 Palmer Avenue  
Danvers, Massachusetts 01923  
(978) 777-5802

COPY

A P P E A R A N C E S

## THE CABLE ADVISORY COMMITTEE

ROBERT SCHOFIELD, CHAIR  
KATHLEEN DONOVAN  
DIANE FLYNN

THOMAS GUERINO, TOWN ADMINISTRATOR

## THE BOARD OF SELECTMEN

JOHN FORD  
STEPHEN MEALY  
DONALD PICKARD

Representing the Town of Bourne

MARY O'KEEFFE,  
Senior Manager of Government and Community Relations  
Comcast Cable  
681 Falmouth Road, Deer Crossing B-16  
Mashpee, MA 02649  
(508) 477-7738  
Representing Comcast

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P R O C E E D I N G S

[7:00 P.M.]

MR. GUERINO: Okay, it being seven o'clock on June 2<sup>nd</sup>, I'm going to call this hearing to order. And for the record I'm going to make an opening comment, and we'll move from there.

Good evening. My name is Thomas Guerino, acting on behalf of the Board of Selectmen, which is the statutory cable television Issuing Authority. Before going further, let me introduce the members of the Board of Selectmen that are here tonight: Chairman Ford, Vice-Chairman Pickard, and Selectman Mealy. As well as the Town's Cable Advisory Committee, who are in attendance this evening: it would be Diane Flynn, Kay Donovan, Robert Schofield. Mr. Lock is not here as of this moment.

Tonight's hearing has been duly published in the Bourne Enterprise on May 14<sup>th</sup> and May 21<sup>st</sup>, 2010, and I have provided a copy of that notice for the public record.

Tonight's hearing is mandated by the



1 renewal provision of the Federal Cable Act. The  
2 current cable television license held by Comcast  
3 will expire in mid-2011, I believe May. The  
4 Town is currently involved in the federally-  
5 required ascertainment process. As part of the  
6 process, the Town of Bourne has also been  
7 working with seven other towns, (Sandwich,  
8 Chatham, Dedham, Falmouth, Harwich, Mashpee and  
9 Yarmouth) as part of a Cape Cod Consortium to  
10 help jointly prepare for certain common aspects  
11 of all the towns' ascertainment processes. This  
12 regional effort has been very efficient and has  
13 reduced what would otherwise have resulted in  
14 redundant administrative efforts. However,  
15 Bourne's license renewal is on a different time  
16 schedule than our neighboring communities.  
17 Thus, we will continue to seek advice and  
18 counsel from those communities who have recently  
19 completed the process.

20 Also, as part of the Bourne  
21 ascertainment process, there has been  
22 substantial public outreach and public notice of  
23 this event on Local Cable Access and through the  
24 Town of Bourne's website and on two separate

Board of Selectmen meeting nights that is also covered on the live cable access.

The purpose of tonight's hearing is to identify the future cable-related community needs and interests, and two, review the performance of Comcast in the Town under its current cable television license, and three, to work toward how the establishment of a new method of staffing and broadcasting local access programs and establishing well-thought policy for a new cable access structure will be provided.

The Town will also commence in obtaining broad public community input. There will be a second public hearing on this matter in the near future, as well. Once the Town has gathered community input, it will forward the results to Comcast in what amounts to a Request for Proposal, or RFP. This will basically inform Comcast of the kinds of services and facilities that the Town expects will be provided during any possible renewal term. Thus, the testimony that is given this evening and at subsequent hearings is very important and

1 I encourage you all to speak candidly and  
2 specifically about any cable-related matters.

3 You must come up and provide testimony  
4 in order for your views to count and be part of  
5 the official record. So, please testify. When  
6 you speak, please give your name and address.  
7 Because this is an ascertainment hearing for the  
8 Town, I ask that you not pose direct questions  
9 to Comcast.

10 Mary O'Keeffe is here on behalf of the  
11 company this evening.

12 All testimony and written inquiries  
13 should be directed to the Chairman of the Cable  
14 Advisory Committee.

15 And I'd like to clarify two things  
16 about this ascertainment hearing on cable  
17 matters. There are two related subjects for  
18 which the Board of Selectmen has no authority to  
19 regulate. The first is the rates that Comcast  
20 charges for its services, and the second is the  
21 commercial programming that Comcast chooses to  
22 show over its cable television systems. I  
23 realize and the Board of Selectmen realize that  
24 these are two important issues for cable

1 subscribers. While people are certainly free to  
2 comment on these matters this evening, it is  
3 important for everyone nonetheless to realize  
4 that the Selectmen and the Cable Advisory  
5 Committee cannot mandate the specific rates that  
6 Comcast can charge, nor can the Selectmen  
7 mandate the specific commercial programming that  
8 Comcast carries on its cable system in Town.

9 I'd like now to turn this over to Mr.  
10 Schofield and the Cable Advisory Committee to  
11 have any other comments that they may want to  
12 make, and I will have a closing comment at the  
13 end of the hearing.

14 MR. SCHOFIELD: Just to add to what  
15 Tom has already talked about on the  
16 ascertainment hearing, we're looking for as much  
17 public comment as we can ascertain in the next  
18 three or four months before we sit down and  
19 negotiate with Comcast so that we have something  
20 to talk about. And if we don't, we can't come  
21 back later and say, "Where were we?"

22 This process should be finished by the  
23 early part of next year. We hope it will be  
24 finished by then, and covering all the acts that

1 have to be covered.

2 One of the biggest parts of this new  
3 contract is the fact that we're going to have to  
4 establish a non-profit entity to run the local  
5 T.V., the local cable, in that Comcast is giving  
6 up handling that for the towns on the Cape, and  
7 I think they're doing that throughout their  
8 system. But we're not going to lose it, we're  
9 just going to have to pick it up on the Town's  
10 behalf and run it like it has been run.

11 I think now I'd open it up for any  
12 comments that anybody would like to make.

13 MR. GUERINO: Anyone else on the  
14 Committee, first? Members of the Board? The  
15 public? Mr. Hayward. Oh, I'm going to ask,  
16 also, if I could, Mr. Hayward, before you leave,  
17 if you could sign in; there's a sign-up sheet.  
18 That way we could -

19 MR. SCHOFIELD: Yeah, I think  
20 everybody has.

21 MR. GUERINO: Okay, have that covered.  
22 Mr. Hayward.

23 MR. HAYWARD: Don Hayward, Monument  
24 Beach. When you referred to commercial

1 programming, were you referring to the  
2 individual programs, itself? Or when you - you  
3 specifically said "commercial"; I'm unclear -

4 MR. GUERINO: That would be the  
5 stations that are carried and the packages that  
6 are offered by Comcast, the tiers that I believe  
7 that they offer and the different stations and  
8 programs that are available from that.

9 MR. HAYWARD: Okay, so when I refer to  
10 the three Spanish-speaking channels that I get,  
11 as opposed to not being able to get something  
12 that I can understand, that would be under that  
13 and you have nothing to do with it?

14 MR. GUERINO: That's correct.

15 MR. HAYWARD: Oh, so, but that's why  
16 I'm here, because I can't understand Spanish.

17 MR. GUERINO: Mr. Ford?

18 MR. FORD: Tom, you explained what the  
19 Selectmen can't control; what can we control?

20 MR. GUERINO: Well, the Board of  
21 Selectmen with the Cable Advisory Committee has  
22 the authority to review the public comment,  
23 create with the Cable Advisory Committee what  
24 the - after you take public input, what you want

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1 what's going on.

2 The other thing that I see has a big  
3 problem is the idea of converting over to a non-  
4 profit. Wareham's just done it and it's a  
5 disaster. And it doesn't work really good  
6 anywhere. We don't have a lot of volunteers at  
7 the studio now. So why would you expect that  
8 you would have more when it goes to non-profit?

9 MR. GUERINO: I don't think that I  
10 expect anything, Mr. Barlow. I don't think  
11 we're going to have a choice in the matter. I  
12 think that they're going to give that up.

13 MR. BARLOW: All right, if there's no  
14 choice in it, is Comcast going to get all the  
15 money, or how is the non-profit going to work?  
16 How much funding is going to come back to that  
17 non-profit from Comcast? Because if we're all  
18 paying cable, all right, and the cable station's  
19 shut down, why should we buy cable? Why not get  
20 Direct T.V.? I mean, it just makes sense.

21 And, you know, there has to be some  
22 incentive for cable to exist. It really does.  
23 I mean, other than the fact that you've got the  
24 Selectmen show and a couple of shows that people



1 watch, it could get tough. And there's just not  
2 enough volunteers to make it happen, I don't  
3 see.

4 MR. SCHOFIELD: That's part of the  
5 negotiating process, Skip, and that's what we're  
6 going to be doing with the negotiating. We  
7 don't have an awful lot we can negotiate about,  
8 but this is one of the major factors. We want  
9 it to be as transparent as we can make it, and I  
10 think we can do that.

11 MR. FORD: Robert, what Skip was  
12 saying, is there anyplace that's been successful  
13 taking over the station, the ones that Comcast  
14 transferred, is there anyplace that we could go  
15 to see someplace that's actually made it?

16 MR. GUERINO: Sandwich has done a good  
17 job with their non-profit. Plymouth has done  
18 very well with their non-profit. Most of the  
19 communities now do have their own cable access  
20 Community T.V. that is not funded by the -  
21 excuse me, not manned - it is funded by the  
22 cable companies, for the most part. It comes  
23 out of the negotiation that we will do relative  
24 to how we can get some money for that, but most

1 of the communities now do not have their cable  
2 access manned and staffed by paid employees of  
3 the cable company. It's generally a non-profit.

4 Mary, anything?

5 MS. O'KEEFFE: That is correct.

6 Another close neighbor is Old Rochester  
7 Community Television; Marion, Mattapoissett,  
8 Wareham just went through this transition about  
9 five years ago. Fairhaven is in the process of  
10 starting up their own process. The mid-Cape has  
11 a very robust, well-seasoned access corporation  
12 for five towns. And Plymouth is a really good  
13 example, too.

14 MR. GUERINO: Skip.

15 MR. BARLOW: Yeah, most of those were  
16 in existence before you had things like Direct  
17 T.V. and like that, so they had a plateau on the  
18 ground already, particularly down the Cape.  
19 Particularly down the Cape. You can't even  
20 compare us to them. We're kind of on our own,  
21 here. We can't tie in with Falmouth or Mashpee;  
22 they're on their own. And we're on our own.  
23 We're not going to tie into Sandwich, I don't  
24 believe that.

1                   So, do we get - do any of those  
2                   stations get funded back through Comcast or do  
3                   they get nothing?

4                   MS. O'KEEFFE:    If I may, Mister -

5                   MR. GUERINO:    Yeah.

6                   MS. O'KEEFFE:    Through the licensing  
7                   process, through the renewal negotiation  
8                   process, the negotiation is for funding to  
9                   outfit, support operations and capital for  
10                  public education, government access. It's  
11                  called a franchise fee. So there will be a  
12                  franchise fee that will be on top of your video  
13                  or your cable portion of your monthly bill, and  
14                  that amount, that percentage is negotiated  
15                  between Comcast and the Cable Advisory  
16                  Committee.

17                  In a sense, Comcast is just a collector  
18                  of that funds from all of the subscribers that  
19                  then go to the Town, or designee, which could be  
20                  the non-profit access corporation, to fund  
21                  salaries, operational expenses, rent, lease, any  
22                  of those things along with capital and  
23                  equipment.

24                  So, it's the subscribers that are

1 paying for that service.

2 MR. BARLOW: So, what is Comcast  
3 getting paid for? I mean, if you're going to  
4 abandon, basically, the studio, and volunteers,  
5 a non-profit's going to run it, what's the  
6 incentive to keep Comcast?

7 MS. O'KEEFFE: Well -

8 MR. BARLOW: I'm just saying.

9 MS. O'KEEFFE: - community access is  
10 as vibrant as the community. The idea of  
11 community access, whether it's Comcast run or an  
12 access corp run, is the involvement of the  
13 community in creating programs. So, it's  
14 training, learning how to create programs, all  
15 the classes, that type of thing.

16 So, it behooves the residents of Bourne  
17 to find this access. They have it now; they'll  
18 have it in the future, but it's as vibrant as  
19 the people's input and the willingness to be  
20 involved and whether you have a show idea or  
21 not.

22 I know you're involved with the  
23 programming. So we need more people like you to  
24 get involved to create programming, whether you

1 have an idea or not. But that's what it's all  
2 about, it's really grassroots efforts to  
3 represent the community.

4 MR. GUERINO: In the - I'm sorry, Mr.  
5 Ford?

6 MR. FORD: No, I was just going to  
7 say, I just question that do we have a franchise  
8 fee on there now that's paying for the studio?  
9 On our bills from Comcast?

10 MS. O'KEEFFE: No, because Comcast is  
11 operating the studio.

12 MR. FORD: Okay, when we have the -  
13 when there is the split and we take over the  
14 studio, the bills will go up to show a franchise  
15 cost?

16 MS. O'KEEFFE: Correct.

17 MR. FORD: Okay, the consumers, the  
18 taxpayers, are going to be paying for this - or  
19 the users of the Comcast?

20 MS. O'KEEFFE: The subscribers, yes.

21 MR. FORD: Subscribers will be paying  
22 for this. Do you have any idea what kind of  
23 money that would be per user or for the -

24 MS. O'KEEFFE: That's negotiated.

1 MR. GUERINO: The current operation,  
2 Mr. Ford, is about a \$90,000 operation.

3 MR. FORD: If you spread that, how many  
4 users are there in the system?

5 MR. SCHOFIELD: 9379, as of the first  
6 of this year.

7 MR. FORD: 9379, so break that down,  
8 that's --

9 MR. SCHOFIELD: Roughly ten dollars a -

10 MR. FORD: A buck a month.

11 MR. SCHOFIELD: A buck a month, yeah.

12 MR. FORD: When I left the house, I  
13 asked my wife, I said, is there any question  
14 that I should bring up? And she says, "The  
15 cost," you know? And I says, yeah, when I came  
16 down here, when the system first came in, I  
17 think everybody would say it's tripled. And if  
18 we're going to take over the studio and put it  
19 onto the consumers, we could go with the  
20 Cadillac, but then instead of being a buck a  
21 month, it might be two dollars a month. And I  
22 see even the elderly discount for the people -  
23 T.V. is an expense today for somebody on Social  
24 Security. And I don't know what we can do about

1 the cost, because if we don't have any control -

2 MR. GUERINO: Yeah, I was just going  
3 to go back to add that comment, we don't have  
4 any control over it.

5 MR. FORD: But now that we're talking  
6 about the studio, I think people ought to  
7 realize that when we take it over, the  
8 consumer's going to pay for it, and they'll get  
9 what they want. So, with \$90,000, that pays for  
10 an employee and equipment. It doesn't sound  
11 like a lot of money.

12 MR. GUERINO: It is not. And there  
13 are some items in the budget that we have here  
14 that will certainly be more expensive, but wage  
15 and benefit, there is equipment, the van that  
16 they have and so forth, those types of things,  
17 there is a minimal cost there because the  
18 capital cost of that piece of equipment's not  
19 included in the budget that we have here.

20 So, I would expect that by the time we  
21 have - if we decide - if the Town decides to go  
22 with a 501 (c)(3) non-profit and filing fees and  
23 all the things that go on with that, that's  
24 probably five or six thousand dollars by the

1 time you get that filed with all the legal  
2 pieces that you need to do with the Secretary of  
3 State's Office.

4 MR. FORD: We're going to have to get  
5 service people. Comcast has some of those  
6 people and equipment. You know, if you're  
7 talking, I betcha if it's a \$90,000, if we're  
8 taking it over, it's going to cost at least 120,  
9 130.

10 MR. GUERINO: I was figuring -

11 MR. FORD: Maybe 150.

12 MR. GUERINO: I was figuring by the  
13 time the second year came rolling around it was  
14 probably going to be \$175,000. I mean, that's  
15 without adding additional staff or you know  
16 beyond what they currently have when we get all  
17 - but those are other pieces that you are -- I  
18 think it's \$1.50 per subscriber now or  
19 thereabouts that we get for equipment.

20 The Board of Selectmen just authorized  
21 the purchase of some equipment that came  
22 through. I think it was what, 15 or 16  
23 thousand dollars' worth of equipment upgrades  
24 that they had, and those are the other types of



1 things that we'll be negotiating, on capital and  
2 maintenance and those type things that all will  
3 come out of that franchise fee agreement.

4 Mr. Mealy.

5 MR. MEALY: Can we talk about an  
6 example of some of the other communities and  
7 what they've negotiated? Because it doesn't  
8 sound like there's an awful lot of negotiation  
9 that can happen. I mean, frankly, we're going  
10 to negotiate with ourselves how much we want to  
11 pay ourselves in order to have a studio. So  
12 that really doesn't involve Comcast, because  
13 they're just going to collect it.

14 We can't talk about fees, we can't talk  
15 about content.

16 MR. GUERINO: Right.

17 MR. MEALY: So it kind of narrows it  
18 down to like -

19 MR. GUERINO: Now that's not us.  
20 That is the federal regulatory piece.

21 MR. MEALY: No, I understand where  
22 it's coming from and why, but is there any  
23 example of what other communities have done to  
24 help enlighten?

1 MR. GUERINO: Well, I think some of  
2 the things you can discuss is, and you want to  
3 negotiate are issues for such like fiberoptic.  
4 How their fiber optics are coming through  
5 digital - I don't know, new technologies that  
6 the company may be bringing on and have brought  
7 on to other areas; how will that affect - how  
8 will they bring those into the community that  
9 they have now.

10 One of the big things that I think the  
11 Town needs to negotiate for, and it's something  
12 that we already have, but we've seen it happen  
13 in other communities, is the loss of the local  
14 office. We have the local office over on Perry  
15 Avenue. And that is a huge convenience for  
16 folks who want to go in and get a box, switch  
17 out remotes, pay their bill. And keeping that  
18 particular office locally, as opposed to having  
19 it regionally, either in Falmouth or up in  
20 Plymouth or wherever else it may be, is a very  
21 important feature to a town that has so many  
22 villages and is as spread out as this is. It's  
23 still quite a bit of a distance for people to  
24 come in, you know, to come to the office, but

1 keeping that office open in Bourne is something  
2 that we're going to, I believe the Board of  
3 Selectmen and the Cable Committee will want to  
4 really put some pressure on to keep that open.

5 MR. FORD: Well, is that going to cost  
6 us, too?

7 MR. GUERINO: I don't have an answer  
8 to that, Mr. Ford.

9 MR. FORD: Is it no cost?

10 MR. GUERINO: Well, everything's a  
11 cost. I mean -

12 MR. SCHOFIELD: It's a matter of  
13 negotiating where they put it. This is their  
14 office, this is Comcast's office.

15 MR. GUERINO: The bottom line is if  
16 they take the office out of here, the rates  
17 aren't going to go down. Okay, they're not  
18 going to reduce the rates if they take the  
19 office out of here. So -

20 MR. FORD: Is there any private  
21 partnerships where, you know, they collect the  
22 money but they don't administrate the system and  
23 the private company runs the studio and somebody  
24 makes a living off it and does it? Because I

1        imagine Comcast is going to take a fee for  
2        administrating the money. They're not going to  
3        do this for nothing.

4                MR. GUERINO:    I can't answer it. I am  
5        not aware of any local cable access company that  
6        is not a local non-profit or part of a  
7        municipality.

8                Mr. Barlow, then Mr. Mulvey.

9                MR. BARLOW:    Yeah, obviously this  
10       thing's a real dog and that's why they want to  
11       get rid of it, you know? I mean, that's got to  
12       be crux of the matter, is that it costs a lot of  
13       money for them to carry these studios, so  
14       they've got to get rid of it.

15                So, is the Town really interested in  
16       taking on this burden? Because that's what it  
17       is, is a burden; it's going to cost us. It's  
18       going to cost us \$90,000 the first year, maybe  
19       \$175,000 the second year. You said it. That  
20       money's not going to come from pig roasts and  
21       parades. It's going to come out of the Town  
22       coffers; that's where the money's going to come  
23       from, whether it's a non-profit or not, that's  
24       where it's going to come from.

1           You're not going to find people in the  
2           Town who are going to - you know, most people  
3           that have cable, you know, they're already  
4           paying for it. You know, so how much more are  
5           they going to pay? Are you going to charge  
6           them more on their bill? Because sooner or  
7           later they're going to go somewhere else. But,  
8           obviously, you guys got some work ahead of you.

9           MR. GUERINO: Thank you.

10          Mr. Mulvey, if I could.

11          MR. MULVEY: There's only two reasons  
12          I stay with Comcast, and I'm just about ready to  
13          jump ship. One is the local channels that  
14          allow me to watch the local committees and  
15          procedures, as well as the county meetings,  
16          which I watch at times, And local associations.

17          As far as Comcast itself goes, I'm  
18          totally dissatisfied. You know, back, let's  
19          see, my bill back in let's see that is - okay,  
20          well, let's see, service on twenty nineteen was  
21          \$44.82 under Adelphia. That's not too long ago  
22          and they took it over. Right now, I feel I've  
23          got less and it's costing me \$62. So I'm  
24          completely dissatisfied.

1 I know that local can't get into the  
2 rates, but I sometimes think the DPW down in  
3 Boston and the regulatory agency's asleep at the  
4 switch, because I don't know if they're really  
5 watching what Comcast is making and what their  
6 expenses are. They're the AT&T giant of the  
7 communications world today. They're too big to  
8 control; they're a problem. But that's my -

9 The other reason, other than local  
10 channel, is the local office, and I'm going to  
11 tell you you've got two of the nicest, most  
12 professional people in there you could have.  
13 They take my guff and smile and give me answers  
14 and do their best. And I'll tell you, they are  
15 exemplary employees, and they've got a tough row  
16 to hoe.

17 So, so much for that. Some of these  
18 other issues, now, you've already touched on.  
19 What is the time frame, now, concerning the  
20 local access channels?

21 MR. GUERINO: That is something that  
22 will have to be - the local access channels by  
23 law have to be provided. They provide - there  
24 are three local access channels and that's what

1 they have to provide and that's what they will  
2 provide, going forward.

3 As far as how the studio is managed and  
4 run, that will be a subject of negotiation as to  
5 what the Board of Selectmen and the Cable  
6 Advisory Committee determine that they feel they  
7 can get this done and in what type of a timely  
8 fashion. We certainly will put the bite on  
9 Comcast to keep it under their wing, but I'm not  
10 - based on everything we know, that that's  
11 probably not going to happen.

12 But the timing and the placement of  
13 when the handover occurs is something that we  
14 will have to negotiate. The license takes  
15 effect next May, primarily, and we will not be  
16 up and ready to go in May with a whole new non-  
17 profit and whatever else the Board of Selectmen  
18 determine is appropriate, and we're going to  
19 have to negotiate a handoff and you know the  
20 Town will look for the longest period to handoff  
21 and that will be subject of a negotiation.

22 I want to go to Mr. Pickard and then  
23 back to Mr. Hayward.

24 MR. MULVEY: If I might.

1 MR. GUERINO: Yeah.

2 MR. MULVEY: I'm a little confused  
3 now. Our only decision is whether we want to  
4 take and originate local programs. When they  
5 divest themselves of the studio they by law have  
6 to provide us with coverage on Channel 15 and  
7 , 13, as they do now?

8 MR. GUERINO: They have to provide  
9 public government local access on three  
10 channels, is my understanding, correct, Mary?

11 MS. O'KEEFFE: It's not a law as a  
12 requirement for three channels. It is a  
13 negotiation between the Town and Comcast. Some  
14 towns have two channels, some towns have one  
15 channel.

16 MR. GUERINO: Some towns have more  
17 than three?

18 MS. O'KEEFFE: Correct.

19 MR. MULVEY: All right, if I might  
20 through the Chair. Then, if you divest  
21 yourselves of the local studio and the locally  
22 originated programs, would you have to still  
23 cover Selectmen's meetings, Finance Committee  
24 meetings -



1 MR. GUERINO: No.

2 MS. O'KEEFFE: No.

3 MR. MULVEY: What would you do with  
4 those channels you're obligated -

5 MS. O'KEEFFE: That would be  
6 transitioned to the Town's choice of public  
7 access, government access going forward.

8 MR. MULVEY: All you would provide,  
9 then, is we would have to take and originate the  
10 programs, the cameras and everything else, and  
11 then pipe it into you and then you'd put it back  
12 out to the public?

13 MS. O'KEEFFE: It's really no  
14 different than it is now.

15 MR. GUERINO: It is right now.

16 MS. O'KEEFFE: It will be no different  
17 than it is now.

18 MR. MULVEY: What's going to be  
19 different is \$100,000 we're talking about.  
20 There's a big difference.

21 MS. O'KEEFFE: No, I'm talking about -

22 MR. GUERINO: The technology of it.

23 MS. O'KEEFFE: - the technology, the  
24 production -

1 MR. MULVEY: The format.

2 MS. O'KEEFFE: - is still a meeting  
3 going live from this room.

4 MS. FLYNN: And all of the -

5 MS. O'KEEFFE: Feeding to Comcast.

6 MS. FLYNN: - equipment from the  
7 technology remains; it's the Town's.

8 MR. MULVEY: All right, who - in that  
9 case, who pays for the cameraman and the time  
10 and everything else, then?

11 MR. GUERINO: That's what we're  
12 talking about, Jim.

13 MS. O'KEEFFE: The subscribers do.

14 MR. GUERINO: Just as they do now.

15 MR. MULVEY: Well, see, I'm having  
16 trouble finding out what Comcast is going to end  
17 up doing and what we're going to have to do.

18 MS. DONOVAN: Comcast is doing nothing  
19 and we're going to do everything. They're  
20 going to collect the money and that's it.

21 MR. GUERINO: Mr. Pickard, Mr. Hayward  
22 and back to Mr. Barlow thereafter.

23 MR. PICKARD: The last town I lived in  
24 north of Boston did this four or five years ago,

1 so plenty of examples out there and there should  
2 be plenty of - and not that this is any type of,  
3 you know, make you feel good, but there should  
4 be plenty of examples that the Town  
5 Administrator and the Cable Advisory Committee  
6 can go to to find out exactly how it's worked,  
7 what's worked well, what has not worked, how the  
8 price has gone, what their projections were, and  
9 how it increased. In fact, I forwarded you a  
10 copy of the agreement with the contracted person  
11 I believe several years ago --

12 MR. GUERINO: Right.

13 MR. PICKARD: -- as well as the 501 (c)  
14 (3), so.

15 MR. GUERINO: Yes.

16 MR. PICKARD: So this is not new.  
17 It's new here, but it's not new in other parts  
18 of the state.

19 MR. GUERINO: They've been doing it in  
20 other communities for more than 20 years.

21 MR. PICKARD: And the only other  
22 comment I would make is that if the - Selectman  
23 Meli indicated that she'd like a little more a  
24 la carte selection on instead of having to buy

1 this or that or that, maybe. I think she just  
2 wanted FOX news channel, anyway.

3 MR. GUERINO: Yeah, well, as a parent,  
4 she would also like to get rid of Cartoon  
5 Network. I remember that was something that we  
6 both talked about, but, yeah, but if there was  
7 better self-selection -

8 MR. PICKARD: Yeah.

9 MR. GUERINO: - of, of, of - but,  
10 again, that's not anything we have a lot of  
11 control over, but it's certainly something to be  
12 mentioned.

13 MR. PICKARD: Yeah, it's not a bad  
14 comment.

15 MR. GUERINO: Mr. Hayward.

16 MR. HAYWARD: Yeah, before you would  
17 just unilaterally enter into negotiations,  
18 either as a Cable Advisory Board or with the  
19 Board of Selectmen, should that not - the  
20 question of whether or not the Town wants to get  
21 into the funding of a studio, of the studio  
22 itself, should that not be an article to go to  
23 Town Meeting to see if the Town wanted to fund  
24 that? I mean even prior to - in other words,

1 what I'm trying to say is you shouldn't assume  
2 that the Town wants to take it over.

3 MR. GUERINO: Yeah, I think that there  
4 certainly can be - and that's up to the Board of  
5 Selectmen, they create the warrant.

6 MR. PICKARD: We certainly have a  
7 quorum here.

8 MR. GUERINO: Huh?

9 MR. PICKARD: We have a quorum with no  
10 problem.

11 MR. GUERINO: Yeah.

12 MR. FORD: But the reason they're not  
13 going to Town Meeting is that they're going to  
14 put this on the consumers and Comcast is going  
15 to collect the money and then turn it over to  
16 the -

17 MR. GUERINO: Yeah, generally  
18 speaking, this isn't an appropriation out of the  
19 --

20 MR. FORD: General Fund.

21 MR. GUERINO: - General Fund. But  
22 some towns do it that way, but -

23 MR. PICKARD: And you could take over  
24 the studio and tomorrow have to replace all that

1 equipment, which I think would be unfortunate.

2 MR. GUERINO: That is something else  
3 that comes into the franchise negotiation. I  
4 don't think -

5 MR. FORD: I think what Don's saying is  
6 at some stage there's not going to be enough  
7 money there from the consumer and that would be  
8 at Town expense.

9 MR. GUERINO: I mean, I guess the  
10 option is if Comcast is getting out of the  
11 business of running local access with their own  
12 employment and so forth, and the Town chooses  
13 not to do that, you could, you know, the cameras  
14 could go black. I mean, I think that's another  
15 alternative.

16 MR. HAYWARD: What I'm saying is that  
17 501 (3) (c) that you talk about, they're not  
18 expensive to originate. Anybody can -

19 MR. GUERINO: No, you can do that -

20 MR. HAYWARD: Yes, two or three  
21 thousand bucks -

22 MR. GUERINO: That's right, I was  
23 figuring \$5,000 and then you've got your -

24 MR. HAYWARD: But the point is does

1 the Town want to be in the business of running a  
2 television studio, and whatever the entity is,  
3 the 501 (3) (c), who is going to put their - who  
4 is going to be the entity that has this 501 (3)  
5 (c), the -

6 MR. GUERINO: It would have to be a  
7 board of directors. Under the laws of the  
8 Commonwealth if you have a 501 (c) (3), you have  
9 to have a board of directors, you have to have  
10 bylaws, you have to have - and then you have to  
11 file with the Secretary of the Commonwealth your  
12 financials on an annual basis.

13 MR. HAYWARD: Right.

14 MR. GUERINO: Mr. Pickard.

15 MR. PICKARD: I'm not sure, I think  
16 Mr. Barlow indicated that we're probably on our  
17 own, but knowing that there are other towns in  
18 similar circumstance, you know, it might be  
19 worthwhile if we were looking - I mean, we do  
20 regional weights and measures, we have, you  
21 know, maybe it's something to investigate.

22 MR. GUERINO: There was some  
23 discussion a couple years ago in the town of  
24 Sandwich approaching us as they went forward

1 with their - I don't know if it was new, but  
2 they called us on that, but our license was  
3 actually like a couple of years behind everybody  
4 else's, so it was kind of a little different.

5 MR. PICKARD: Because I am aware of a  
6 two town cable system.

7 MR. GUERINO: Yeah, out in the western  
8 part of the state, many multi-towns get together  
9 and do that, as well.

10 MR. PICKARD: Then you're sharing  
11 staff and expense, and it's 175, maybe, for one;  
12 it may go to 210 for two, who knows?

13 MR. GUERINO: Mr. Barlow.

14 MR. PICKARD: Especially if you're  
15 able to share equipment, things like that and  
16 personnel. I'm sorry.

17 MR. GUERINO: I'm sorry.

18 MR. BARLOW: I didn't mean to  
19 interrupt.

20 MR. PICKARD: No, go right ahead.

21 MR. BARLOW: Yeah, I also have cable  
22 elsewhere, in an area much more rural. I've had  
23 it for over 20 years, and continuously. And I  
24 still pay about \$10 a month for it. Don't get



1 any local government, you know. It's Time  
2 Warner, it's not Comcast. But when I asked one  
3 of your superiors why Comcast was so expensive,  
4 they couldn't answer me, but -- at the time.  
5 You know, this was my thought right now: if the  
6 burden is going to shift, can we as subscribers,  
7 you know, if we know that a non-profit with the  
8 Town is going to pick it up, can we expect  
9 whatever the percentage is of our Comcast bill  
10 that now covers this, can we expect that to be  
11 reduced?

12 MR. GUERINO: No, I think I've said  
13 earlier that whether if they closed the office  
14 or if they - the negotiation of fees to run this  
15 entity will be something that the Cable Advisory  
16 Committee, the Board of Selectmen and Comcast  
17 will enter into some time after the first of the  
18 year.

19 MR. BARLOW: Yeah, but what I'm saying  
20 is -

21 MR. GUERINO: I get your point.

22 MR. BARLOW: - let's say 15 percent of  
23 my bill goes to cover the local studio. Say 15  
24 percent of my bill did and 15 percent of all the

1 subscribers did, if a private entity, a 501 (c)  
2 (3) or the Town is going to have to pay this 15  
3 percent, can I expect my Comcast bill to go down  
4 15 percent?

5 MR. GUERINO: I can't answer that  
6 question.

7 MR. BARLOW: Okay, just wondering.

8 MS. O'KEEFFE: I can't answer it,  
9 either.

10 MR. BARLOW: I can't expect it; I  
11 don't know if it's going to happen.

12 MR. GUERINO: Mister -

13 MR. FORD: I think I understand; he  
14 brings up a good point. If they're funding an  
15 office over here, that's got to be costing -  
16 it's got two employees in it, the heat, rent and  
17 all that, so I imagine they have 90,000 up  
18 there. They probably have 140,000 down here.  
19 So they've got about probably 250, maybe 300,000  
20 in the town.

21 If they get out of the business, it's  
22 \$300,000 that they're making more in profit that  
23 they should be able to put towards offering the  
24 Town something to take care of that, and without

So, when you're negotiating, they're taking all this into consideration. But there's something on the table that maybe we can put it towards a studio and not go up on the rates. You know, there is a tradeoff there, because they are -

MR. FORD: Right. So I think that there's a tradeoff there. I think if you could come up with a couple of hundred thousand, you could have a real good studio. And if you did a regional approach, it could be better. But we have a pretty good setup where we got a school

1 that makes the room and everything and they also  
2 teach it in the school. So I think we've got a  
3 good partnership like where it is now.

4 MR. GUERINO: The current studio that  
5 we have at the high school, I've spoken with  
6 Diane, is adequate and it does the job that we  
7 need it to do. The equipment we keep upgrading,  
8 but that's something that we're going to talk  
9 about when we get into the negotiation phase of  
10 this, as well.

11 We have been utilizing a Peter Epstein,  
12 who is the cable T.V. guru of lawyers for that,  
13 and Bob Troy is aware of it, although we haven't  
14 - we're working with the County to get that  
15 funded. The County funded a big chunk of that  
16 for the other towns in the consortium, and  
17 because we were a couple of years later, we  
18 didn't fall into the same negotiating period  
19 that the other towns did, so we're working with  
20 Mark Zielinski right now at the County in an  
21 effort to get some funding to help us with that  
22 so it's not coming out of the municipal end. We  
23 put a little bit out with counsel's knowledge  
24 and consent on that, but we're looking to the

1 County to help us with that, too.

2 And he's very good. We'll come in,  
3 he'll do a session. He did a session for the  
4 CATV committee and he'll - before we get into  
5 the meat of it, we'll bring Mr. Epstein in to  
6 meet with the Board of Selectmen and the Cable  
7 Committee together so that we know exactly where  
8 we're going to go.

9 Mr. Mulvey.

10 MR. MULVEY: The local office of  
11 course is an issue and a great convenience; no  
12 question about it. But if they close that, if  
13 you think we'll get anything out of it, I think  
14 you're mistaken. They're just going to say,  
15 "Oh, we closed it for efficiency and we really  
16 haven't gained anything. We've moved the  
17 employees up to Plymouth, so there's no savings  
18 there", and you'll end up with a big song and  
19 dance and get nothing for it.

20 MR. GUERINO: I think I -

21 MR. MULVEY: So forget that.

22 MR. GUERINO: Yeah, I think I  
23 mentioned that earlier.

24 MR. MULVEY: No. Beyond that point,

1 would you clarify for me two things. We don't  
2 keep the local studio, but we do. If we don't  
3 go for the private/public thing, whatever, what  
4 do we end up with?

5 MR. GUERINO: I haven't even  
6 envisioned the Town not doing that, or the non-  
7 profit not doing that, or some entity not  
8 carrying on. I don't have an answer for you,  
9 Mr. Mulvey, I'm not qualified to tell you that.  
10 I think, you know, do the cameras go black?  
11 You know.

12 Bob?

13 MR. SCHOFIELD: Yeah, I don't, this --  
14 Mary, correct me if I'm wrong, but this hasn't  
15 happened anywhere in the system, yet. All the  
16 towns have made it work, one way or the other,  
17 when they transitioned from Comcast handling it  
18 into the Towns handling it. Whether it be a  
19 multi-town deal or it be a single town deal.

20 But to answer your question, if we drop  
21 the whole thing, we will not have those three  
22 channels. We have access to the channels, but  
23 you won't get anything on them.

24 MR. MULVEY: I think that answers

1 that. So they're not obligated to take and keep  
2 local affairs on the local channels?

3 MR. GUERINO: No.

4 MR. MULVEY: They're only obligated to  
5 make them available to us?

6 MR. SCHOFIELD: Available. Right.

7 MR. GUERINO: They're obligated as  
8 much as we negotiate that into the contract. I  
9 think that's the way I understood.

10 Sir, in the back, anything?

11 MAN IN THE BACK: Me?

12 MR. GUERINO: Yes.

13 MAN IN THE BACK: No, I'm just  
14 observing, thank you.

15 MR. GUERINO: Thank you.

16 Sir.

17 MR. SANNA: I came because I saw this  
18 meeting posted.

19 MR. GUERINO: And could you just state  
20 your name for the record?

21 MR. SANNA: John Sanna.

22 MR. GUERINO: Thank you, sir.

23 MR. SANNA: I try to stay away from  
24 these things, but this piqued my interest and

1 curiosity. It's probably irrelevant, but I'm  
2 assuming this lady has something to do with  
3 Comcast.

4 MR. GUERINO: She is our Regional  
5 Director.

6 MR. SANNA: Okay -

7 MR. SCHOFIELD: Government Affairs  
8 Director for Comcast.

9 MR. FORD: She doesn't take any of  
10 this personal, though.

11 MS. O'KEEFFE: Oh, no.

12 MR. SANNA: I don't know the  
13 intricacies of what's being discussed, however I  
14 do know my own personal point on this, and that  
15 is: I came down here tonight to hopefully ask  
16 somebody to see if they could answer billing,  
17 and the phase of billing. You get a Comcast  
18 bill out of I don't know if it's New Jersey or  
19 where the heck it comes from. The billing date  
20 is, say, the 3<sup>rd</sup> of June; you're going to get it  
21 the 15<sup>th</sup> of June; they want their payment by the  
22 23<sup>rd</sup>. And I've gone into Town Hall to file  
23 complaints against that; it doesn't mean  
24 nothing. And Comcast to me is one big green-



1        eyed monster, like you used to have on the test  
2        screen.

3                I just wonder: why?    Why is there such  
4        a short period, pay period of time for you to  
5        incur a bad debt or non-payment if you're sick  
6        in the hospital or if you're away and you don't  
7        make your payment on time because you only got  
8        one week to make it in?    Why is the time period  
9        so short?    And also, again, being a senior  
10       citizen on a fixed income.

11               MR. GUERINO:    There is a senior  
12       citizen discount, I believe, on the Basic cable  
13       offering.

14               MR. SANNA:    Yeah, I still get that,  
15       but that doesn't stop you from, you know, the  
16       short span of one week to pay that bill is -

17               MR. GUERINO:    Yeah, again, I don't  
18       have any answer to that question and I know Mary  
19       can't answer that specifically but I know she  
20       can bring that back to the company and see what  
21       that may be.

22               MS. O'KEEFFE:    Once the hearing  
23       closes, because it's really not pertaining to  
24       the ascertainment of the cable lease for the

1 Town, I'd be glad to answer your question.

2 MR. GUERINO: Mr. Barlow, sir.

3 MR. BARLOW: Is the Town of Bourne  
4 locked into Comcast or can you solicit bids from  
5 other competitive --

6 MR. GUERINO: Well, let me go back a  
7 couple of years. This Town was one of the very  
8 few towns in the Commonwealth that supported the  
9 Cable Competition Bill. I was the only public  
10 official at the hearing in the Gardner  
11 Auditorium that supported the Cable Competition  
12 Bill, and I believe the Board of Selectmen made  
13 the appropriate decision to support that  
14 legislation. The City of Cambridge did not  
15 think very kindly of us.

16 But we were, a couple of years back,  
17 prior to the economy hitting the skids, were  
18 working with Verizon. We had a cable - set of  
19 cable books, if you will. We had gone as far as  
20 asking to waive the public hearing notice for  
21 the public good through the Commonwealth and  
22 were prepared to begin discussions with Verizon  
23 as well. That still, I believe, once Verizon -  
24 Verizon stopped a lot of their capital build-out

1 that they were going to plan when the economy -  
2 they slowed that down a little bit around here.  
3 They were prepared to use Bourne and go to both  
4 sides of the bridge. They had some issues with  
5 the Corp of Engineers; they got that  
6 straightened out, as far as coming across the  
7 bridge. John had worked on that, as well, the  
8 Chairman. And my discussions with Joe Zukowski,  
9 who's the Government Affairs Director for  
10 Verizon in Massachusetts, is they are not right  
11 now in the expansion mode for that type of  
12 thing.

13 However, this hasn't been brought up to  
14 the current Board of Selectmen given there's  
15 been no activity from Verizon. But if there  
16 comes a point where Verizon starts moving that  
17 forward again, I would bring it to the Board of  
18 Selectmen and if they wanted me to take another  
19 run at it, we would do that.

20 Mr. Mulvey.

21 MR. MULVEY: The practical viewpoint  
22 is if Verizon or anybody else wanted to come in,  
23 they would have to either re-cable the Town or  
24 buy out the Comcast system and renegotiate pole

1 space.

2 MR. GUERINO: No.

3 MR. MULVEY: It's almost -

4 MR. GUERINO: No.

5 MR. MULVEY: - impossible to happen.

6 MR. GUERINO: No. No, that's not what  
7 would happen. They would be able to run their  
8 own fiberoptic.

9 MR. MULVEY: Yeah, re-cable.

10 MR. GUERINO: All right, they would  
11 not buy out Comcast. It would be a competitive  
12 situation between any of the companies. It could  
13 be Joe Smith Cable. It doesn't have to - you  
14 know, we're talking the two big guys, right now.  
15 And there would have to be some sort of an  
16 agreement as it relates to public access.

17 Now, Comcast provides through our  
18 negotiations three channels. And this really  
19 doesn't have anything to do with the  
20 ascertainment, but - three channels. We would  
21 negotiate three channels with Verizon, they  
22 would run the same programming. How that works  
23 out between the two, I don't - that's beyond my  
24 knowledge base. The channels may be different.

1        Instead of 13, 14, 15, or whatever they are  
2        here, they may be 22, 23, 24 in the Verizon, but  
3        it would be the same programming.

4                MR. MULVEY:    How would they get it to  
5        the customer?

6                MR. GUERINO:    Through -

7                MR. MULVEY:    They don't have - it's  
8        Comcast's cables.

9                FROM THE FLOOR:    Telephone.

10               MR. GUERINO:    Well, it would have to  
11        be -

12               FROM THE FLOOR:    Their own.

13               MR. GUERINO:    No. Well, it would be  
14        their own cable, but there would an agreement  
15        that they've done this in other areas where  
16        there's more than one company providing service.  
17        They don't have three or four different sets of  
18        studios and three or four different sets of  
19        programming. It's one set of programming and  
20        there's something worked out between the parties  
21        and I don't -

22               MR. FORD:    Doesn't it get in through  
23        the phone lines?

24               FROM THE FLOOR:    Well, Verizon would

1 do that.

2 MR. FORD: Yeah, they don't have to  
3 string any up.

4 MR. GUERINO: Unless they were to  
5 bring in the fiberoptic, but that's getting  
6 beyond the scope of this hearing because we're  
7 only really here for ascertainment on the  
8 current provider and what the Town may look to  
9 the current provider to change or provide or  
10 extend.

11 You know, there aren't many areas in  
12 town that aren't now connected, but we do have  
13 some issues up on the Plymouth line where people  
14 hook onto cable up on the Plymouth and they get  
15 the Plymouth local access because of where the  
16 trunk is, and that type of thing.

17 Those are things we can think about.

18 Putting more underground as they  
19 rebuild, those are some of the other things that  
20 we'd talk about, as well.

21 John.

22 MR. FORD: I think the point that was  
23 just make it for negotiations. Until we get  
24 competition, we really don't have much to

1 negotiate.

2 MR. GUERINO: Well, there's a  
3 substantial variation and John or Mr. Schofield  
4 or Kay or Diane, help me out here, there's a  
5 substantial amount of - maybe we can go up to 6  
6 ½ percent or 5 ½ percent?

7 MS. DONOVAN: Five percent.

8 MR. GUERINO: Five percent. We're  
9 currently not at the five percent of what comes  
10 through, but Mr. Barlow's right: whatever we  
11 negotiate is going to be passed on to the  
12 consumer. I mean, if we go five percent instead  
13 of three percent, that two percent is going to  
14 end up being passed on.

15 You know, but we have - and that's a  
16 delicate issue that the elected officials have  
17 to determine, is what is palatable and not.

18 Hold on just a second.

19 Mary, am I missing something with that?  
20 Did you say something about -

21 MR. MEALY: This sounds just like the  
22 discussion we had last night on the Quinn bill.

23 MR. GUERINO: It's all on you guys, is  
24 really, and the Cable Advisory Committee.

1 Mary, is there anything I'm missing,  
2 with that?

3 MS. O'KEEFFE: No, you're right. And  
4 that's why we're trying to - you're trying to  
5 ascertain the community needs and interests and  
6 also the associated costs with those needs, and  
7 that's the second part of the equation.

8 MR. GUERINO: Right.

9 Mr. Barlow.

10 MR. BARLOW: So, if we get all high  
11 tech, why don't we just set up a camera here and  
12 just put it out over online on the computer,  
13 just www.townofbourne and just the hell with the  
14 cable? Can you not negotiate with the cable and  
15 go in a different direction?

16 MR. GUERINO: We're required under the  
17 federal Cable Act to negotiate a contract for  
18 the next ten years.

19 FROM THE FLOOR: Why so long?

20 MR. HAYWARD: Ten years?

21 MR. GUERINO: And again, that is not  
22 up to me. That is the way the law is.

23 MR. BARLOW: This is not about  
24 Comcast; this is about any cast.



1 MR. GUERINO: This is one of the few  
2 states that still allows municipalities that  
3 kind of negotiating ability and -

4 MR. FORD: And what happens if you  
5 don't sign the contract?

6 MR. BARLOW: That's what I'm asking.

7 MR. GUERINO: I haven't even  
8 envisioned that.

9 MR. FORD: In other words, no, you're  
10 saying that they allow you to do this; do you  
11 have a choice? I don't think you have a  
12 choice.

13 MR. GUERINO: I don't think there is a  
14 choice.

15 MR. FORD: No. So that they're  
16 telling you you got a ten year contract and  
17 they're telling you to take a couple hours out  
18 of your time and try to get the best thing you  
19 can to charge your own consumers.

20 MS. DONOVAN: Well, I think it's time  
21 for me to switch channels.

22 MR. GUERINO: In many states, it's the  
23 state that does the cable contract for all the  
24 municipalities in the state and there's very

1 little for the towns to discuss, other than  
2 perhaps build-out issues. In some other states,  
3 it's the county, because the county government's  
4 stronger. There's very few states left where  
5 it's individual towns that have the ability.  
6 I'm not saying it's good or bad, I'm just saying  
7 that's a fact.

8 MR. BARLOW: But it's expensive.

9 MR. GUERINO: It's expensive.

10 MR. FORD: But, just to close one  
11 thing. Just tell me what you - I know you're  
12 going into negotiations. What would you like to  
13 see come out of this, Robert?

14 MR. SCHOFIELD: I'd like to see a  
15 transparency, as far as our constituents are  
16 concerned, that we don't see any change, only  
17 for the better. Have a better studio, have a  
18 better staff and better equipment than we  
19 presently have. I'm not saying that we don't  
20 presently have good equipment and have a good  
21 staff; they do an excellent job when you look at  
22 what some of the other communities do down the  
23 Cape. We do an excellent job.

24 It's our job to try to negotiate the

1 best that we can for our Town and our  
2 constituents so that we continue what we have  
3 today. And I think this can be done. I've  
4 looked at what some of the other communities on  
5 the Cape have done in the last three or four  
6 years, and some of the towns had a harder job  
7 than others because they didn't have as much to  
8 work from. But everybody pretty much came out  
9 whole, and I think we can do the same thing  
10 here.

11 MR. FORD: Did the rates go up?

12 MR. SCHOFIELD: I can't answer that,  
13 John, because the rates - I went to the state  
14 once I got on this committee to try to get to  
15 the bottom of the not so much the rates but what  
16 we could do, and I was told very nicely, "You  
17 just answer the complaints. You try to keep  
18 your constituents happy the best that you can."

19 But we have no say on the programming.  
20 We went through this three years ago when  
21 Comcast was trying to align their system  
22 throughout the system where we were Adelphia,  
23 and there was I think three towns on the Cape  
24 and on the Vineyard which were entirely

1 different and they had to re-arrange those  
2 formats. And it wasn't easy, especially with  
3 the seniors, because they'd been used to doing  
4 things the way Adelphia did for so many years  
5 and then all of a sudden somebody said, "No, you  
6 can't."

7 MR. GUERINO: One of the other points  
8 that I'd like to make, and then Mr. Pickard and  
9 Mr. Mulvey, is when corporate I'm sure - and I'm  
10 not - you know, I don't work for Comcast, I  
11 don't really know much about Comcast, but when  
12 they decide they're going to raise rates or  
13 change rates or change programming, it's not  
14 based on one town's negotiation on an  
15 ascertainment over the next 12 months. I mean,  
16 they're national, multi-net, they're looking at  
17 this in a much broader spectrum than what the  
18 Town of Bourne does or what the Town of Sandwich  
19 may do when they look at their rate structures.  
20 It's not specifically targeted at what one  
21 community would do that way. They look at it at  
22 a much broader cost-benefit analysis than what  
23 they're doing. I don't think we play into the  
24 equation, per se, as, "Oh, Bourne's going to get

1 this; we're going to kick the rates up by this."  
2 I don't think it works - I'm pretty sure it  
3 doesn't work that way.

4 Mr. Pickard.

5 MR. PICKARD: I'm sorry. You  
6 indicated that we are required to enter into a  
7 contract because of federal law for a ten year  
8 period?

9 MR. GUERINO: The contract periods are  
10 ten years.

11 MR. PICKARD: Can we do less?

12 MR. MULVEY: Mandated?

13 MS. O'KEEFFE: They can be less.

14 MR. GUERINO: They can be less.

15 MS. O'KEEFFE: It's the maximum in the  
16 state of Massachusetts for ten years for a  
17 renewal license.

18 MR. PICKARD: So if the Town of Bourne  
19 decided, or the Selectmen and the Cable Advisory  
20 Committee did not want to go for ten years,  
21 obviously the rate would be increased, depending  
22 on by the current provider unless we can find  
23 Fred's Cable from Poughkeepsie wanted to come in  
24 and rewire the whole place and compete, correct?

1 MR. SCHOFIELD: Correct.

2 MR. PICKARD: It's pretty unfortunate  
3 our feet are held to the fire for a period of  
4 time of ten years, especially when there appears  
5 to be no competition out there at present.

6 MR. GUERINO: I don't know of Towns  
7 that have done it for less than ten, but there  
8 certainly I'm sure are some out there.

9 MR. FORD: But even though you sign  
10 the contract, it doesn't mean next year that the  
11 telephone company couldn't come in, or another  
12 cable company.

13 MR. GUERINO: Right. So we were in  
14 the middle of our - it's not exclusive. We  
15 were in the middle of the agreement, really, it  
16 was in the fifth or sixth year of the agreement  
17 with Comcast when this cable competition thing  
18 came forward and we started working with  
19 Verizon, so I mean -

20 MR. FORD: You get 9,000 customers  
21 services -

22 MR. SCHOFIELD: No, 7379.

23 MR. FORD: How many homes do we have,  
24 14,000?

1 MR. SCHOFIELD: No, 10,263, I had two  
2 years ago.

3 MR. FORD: Okay.

4 MR. SCHOFIELD: As an unofficial  
5 number, but I don't think it's changed a lot,  
6 John.

7 MR. PICKARD: I have to figure if Mr.  
8 Mulvey just indicated that his bill is \$65 -

9 MR. MULVEY: 62, yeah.

10 MR. PICKARD: 62, and I know that  
11 mine, because I have my Internet as well, so  
12 basically it's 140, say the average is \$100 a  
13 month, that's - my math is difficult without  
14 having a calculator -

15 MR. BARLOW: Probably 93 grand a  
16 month.

17 MR. PICKARD: 93 grand a month. I  
18 wonder what the Town could, you know, bring in  
19 their own, bring in their own satellite dish and  
20 string their own cable company. Not that that's  
21 the business we want to get into, but -

22 MR. FORD: We could put a satellite up  
23 at ISWM.

24 MR. SCHOFIELD: Just as an aside, and

1 again this really doesn't pertain to what we're  
2 talking about, but we are talking about the  
3 subject here tonight, with what Tom has already  
4 stated with Verizon, I went further on this and  
5 the reason that Verizon was at all interested in  
6 coming into Bourne is because they're on both  
7 sides of us, and they had it in their budget  
8 that they could fund Bourne easy enough to be  
9 able to have competition here.

10 They have no desire to go on the Cape  
11 because of the seasonality. The biggest problem  
12 that all of these cable companies have is cost,  
13 and getting that cost on a pay-back basis.  
14 Bourne probably only increases their population  
15 by ten or fifteen thousand in the summer, but  
16 you go down Cape and there's no way they're  
17 going to put - they've all got to go to fiber  
18 optics, no matter how you cut it, because if  
19 they're going to put the system in, they're  
20 going to give you the first class service, and  
21 that's what FIOS is and what Verizon wants to  
22 do.

23 It was brought up at the Selectmen's  
24 Meeting last week with another member of the



1 community asking why we're not looking at RCN,  
2 and RCN is a competition in Boston because  
3 they've been able to work something out.  
4 They're coming on the Cape and are going to put  
5 in Wi-Fi under a federal grant of some \$70  
6 million and they'd be the perfect party.

7 But I talked to somebody, I didn't talk  
8 to RCN directly, but I talked to somebody in the  
9 know on that and they said they have no desire  
10 to put any cable in down the Cape.

11 MR. GUERINO: You have to look at the  
12 distance of lights - how much dust builds  
13 between light bulbs. That's, you know, how much  
14 - the further down Cape you get, the more rural  
15 it gets, the less cost effective it gets for a  
16 company to string up cable, cable or fiberoptic  
17 or whatever. The more light -- the more dust  
18 between light bulbs.

19 The Verizon piece, yes, it was that, it  
20 was also that there'd been a long-term  
21 relationship with Verizon in other areas that  
22 they were willing to take a chance down here.  
23 But the economy went; that's not happening right  
24 now.

1 That's not part of what the hearing is  
2 here for tonight. I think that's something that  
3 certainly we ought to talk about at a  
4 Selectmen's Meeting if the Board wants it on the  
5 agenda, but it's not going to do us any - it's  
6 not providing us any information we need  
7 relative to the contract that we may or may not  
8 enter into based on what the Selectmen and the  
9 Cable Committee want to do.

10 Mr. Barlow.

11 MR. BARLOW: Okay. Looking around  
12 the room, you know, I see that we're all middle-  
13 aged if we lived to be like 120, you know?

14 MR. GUERINO: I don't know what you  
15 mean.

16 MR. BARLOW: There's not any young  
17 people here, and it may behoove the Cable  
18 Advisory Committee to bring in a couple of young  
19 technical kids from high school or college and  
20 pick their brains about what they think and what  
21 the future is, because the future may not be  
22 cable. It may be exactly what Mr. Pickard's  
23 saying. It may be, you know, tie into a  
24 satellite and do your stuff online. You know,

1 it just may be a lot more practical than  
2 stringing lines all over the place, because it's  
3 becoming passe.

4 So, my suggestion would be that maybe  
5 the Cable Advisory Committee should get a hold  
6 of some of these technical geniuses that are in  
7 their twenties and have a conversation with  
8 them. Because, you know, they're way over my  
9 head. I talk to them once in a while and they  
10 lose me, but they know what the future is, and  
11 we're still clinging to the past.

12 MR. GUERINO: Mr. Mulvey.

13 MR. MULVEY: Not to prolong that, but  
14 most of us - number one, I don't have cable.  
15 When I say 62, but that's basic expanded.  
16 That's a pretty minimal service, and no more  
17 senior break, either, I understand right?  
18 Where we used to get a senior rate.

19 MR. SCHOFIELD: Oh, yes.

20 MR. MULVEY: That's something you  
21 might want to look into.

22 MR. SCHOFIELD: No, we've got a senior  
23 -

24 MR. MULVEY: So, 62 bucks for what I

1 really watch is about ten channels. The other  
2 90, forget it. But anyway, one more thing, most  
3 of your service it may be on the optic lines,  
4 but most of them at Verizon goes into either  
5 copper or copper-coated steel into the house.  
6 Comcast is at least coaxial everywhere,  
7 including into the house. That's why I say  
8 Verizon is into some heavy money to come in.

9 But, beyond that, like I mentioned  
10 before, the time frame we have to operate. I  
11 see a dozen people here; we're heading into a  
12 budget year 12 that the selectmen know you're  
13 going to have a bomb if you're talking 100, 150  
14 thousand dollars. There are 12 people here; if  
15 this is going to have to go to the public, then  
16 Cable Committee or somebody had better get to  
17 the press, pull up the transcript that you're  
18 going to have, put together all the questions  
19 that came up tonight and the answers and have a  
20 comprehensive publication out there if this is  
21 going to have to go to Town Meeting, because if  
22 you're in Town Meeting and you try to answer  
23 questions that you got tonight at a Town  
24 Meeting, you're going to have a problem. You'd

1 better do some PR work and get information out  
2 to the people now and decide what you're got for  
3 a time frame.

4 MR. GUERINO: Mr. Mealy.

5 MR. MEALY: As a member of the board  
6 which will ultimately be involved with  
7 licensing, I think a couple of things that came  
8 to light tonight. One is I think we should look  
9 into regionalization. I think we should contact  
10 neighboring towns and find out even if they're  
11 several weeks or months or years ahead of us on  
12 their contracts, we should talk to them. I  
13 think we should talk to the other towns also to  
14 find out what experiences they've had in  
15 negotiating their cable contracts.

16 And I also don't understand why it's  
17 going to take over a year to do this, because if  
18 other towns have already done it, we're talking  
19 to the hot dog of cable lawyer stuff in downtown  
20 Barnstable, I got to believe that this could be  
21 sewn up and done by the end of August. It  
22 doesn't sound like we have a whole lot to say  
23 about anything, anyways.

24 So, I would like to have information

1 about what other towns have done.

2 MR. GUERINO: Well, that's fine.

3 MR. MEALY: Do we have an opportunity  
4 to join other towns and can we get involved with  
5 a town that already has a [inaudible]. We  
6 haven't talked about that, but -

7 MR. GUERINO: What was that? I'm  
8 sorry.

9 MR. MEALY: Couldn't we get involved  
10 with a town that already has a signed contract?  
11 And just going back onto their contract?

12 MR. SCHOFIELD: This is basically what  
13 this Peter Epstein does. All these contracts  
14 are very, very close and very similar to each  
15 other.

16 MR. MEALY: I would imagine they're  
17 probably just a change in the date and the time  
18 and the people.

19 MR. SCHOFIELD: They are to a great  
20 extent. Where you get into a differential is  
21 some of the issues that we're bringing up about  
22 taking over the local studio.

23 MR. MEALY: That sounds like a five  
24 minute discussion about what are we going to do

1 and how much are we going to charge the  
2 ratepayers on their bills as part of an  
3 additional fee. I don't think that really has a  
4 whole lot to do with Comcast.

5 MR. SCHOFIELD: Well -

6 MR. MEALY: Because all they're going  
7 to do is collect.

8 MR. GUERINO: We don't - Mr. Mealy,  
9 just to be clear, the Town won't have a - Mary,  
10 again correct me if I'm wrong - there won't be  
11 Town of Bourne fee on the bill. It's all -

12 MR. FORD: Finance fee. There's a  
13 fee, she mentioned it.

14 MR. GUERINO: Right.

15 MR. FORD: So there is a -

16 MR. GUERINO: A franchise fee.

17 MR. FORD: So that is a Town of Bourne  
18 fee; it's going to be negotiated.

19 One question I have, though, you know,  
20 this is something we've got to get out to the  
21 public. There's no press here today and we're  
22 not televised. Why are we not on Comcast?

23 MR. GUERINO: We thought we would be.  
24 That's why we had it here and not at the Middle

1 School.

2 MR. FORD: Is this a conspiracy by  
3 Comcast? I'm not trying to get anything going.

4 [Laughter.]

5 MR. GUERINO: They're doing tonight,  
6 the School Committee is doing this new report  
7 card, that's why they're over there. They had  
8 to choose their apple tonight and they chose to  
9 go over there. They didn't have the staff or  
10 the volunteers to do this meeting as well.

11 Mr. Pickard.

12 MR. PICKARD: I think before we get  
13 involved in a ten year contract, we need to have  
14 a lot more public outreach for this. And,  
15 based upon my primitive math, taking Mr.  
16 Mulvey's bill of 60 and mine of 140, if the  
17 average bill in the Town of Bourne is a hundred  
18 dollars, that's \$737,900 in user fees per month  
19 just in the Town of Bourne. Times twelve  
20 brings it up probably close to \$9 million a year  
21 in a town this size. You have Barnstable which  
22 is larger, Yarmouth, Falmouth, I mean certainly  
23 we need to collaborate, I think.

24 Your colleagues and your Cable Advisory



1 Committees should get together and start using  
2 some of this basic math that figures up to a  
3 heck of a lot of money to maybe negotiate with  
4 Comcast or get some other Fred's Cable from  
5 Poughkeepsie who might want to come in and take  
6 over the entire county for a lesser fee, I don't  
7 know.

8 MR. FORD: Or somebody can put up a  
9 satellite.

10 MR. PICKARD: Or, for that matter,  
11 maybe the county can put a satellite right up on  
12 MacArthur Boulevard somewhere. I know there's  
13 empty parcels and we can just shoot it out.

14 MR. GUERINO: One of the things that -

15 MR. PICKARD: I don't know, it's all  
16 about thinking about things and I hate the term  
17 "outside the box", but you've got to think -

18 MR. GUERINO: Sandwich undertook an  
19 agreement with UMass Dartmouth. They did a  
20 survey that UMass Dartmouth marketing group put  
21 together. I talked to Bud; we're going to get a  
22 copy of what they did. That was funded through  
23 the county, I believe, and that's one of the  
24 things we're talking to Mark Zielinski about, is

1 getting us some of the funding because we were  
2 behind - we're not behind, but our contract was  
3 later than the other communities. We can pick  
4 on their expertise, how they went through their  
5 piece, but we're going to need some cash and  
6 it's something that the County I believe will  
7 come forward with.

8 MR. BARLOW: As big as Barnstable is,  
9 it's not alone. You've got Barnstable,  
10 Yarmouth, Dennis, it's all channel 3, it's all  
11 right - it's a huge conglomeration. And  
12 Falmouth, too, Falmouth's not tied to Mashpee,  
13 but Falmouth has Woods Hole, and Woods Hole  
14 generates a tremendous amount of time for cable,  
15 and they kind of take care of it and there's a  
16 lot of money involved and there's a lot of  
17 interesting subjects, and they keep that going.

18 Mashpee, you know, not much going on..  
19 Head down Cape in Orleans, you know, it  
20 struggles, it really struggles. It's a small,  
21 small studio, small operation.

22 You know, I don't know what's going to  
23 happen to Bourne. Like, you know, Steve's idea  
24 of talking to other towns, you know, maybe

1 somebody would partner up with us and it would  
2 help. It's not a bad idea, but I don't know  
3 what we're - we just don't have enough in this  
4 town on our own. I mean, you've got the  
5 Selectmen, you've got a couple of other shows,  
6 we've got, you know, Phil Goddard. It's just  
7 not enough to keep it going. You know?

8 MR. FORD: Can we put our own  
9 commercials on those stations and kind of -

10 MR. GUERINO: Well, actually, the Town  
11 of Falmouth tried to do that. I don't know what  
12 the outcome was. At their Town Meeting, they  
13 were running banners along the live cable feed.  
14 They were trying to collect a fee for that but  
15 that didn't go over very well down there, I  
16 know. It was entrepreneurial, but I'm not sure  
17 it was well appreciated.

18 You know, towns like Barnstable, I know  
19 towns where there are community colleges, the  
20 community colleges add a lot to the programming.  
21 You know, there's a lot going on at those  
22 places, they offer various things online.

23 So, and Don's right, we've got to think  
24 creatively. We've talked - you know, we've

1 talked about going up to Plymouth to see what  
2 they've done. That was two meetings ago, I  
3 believe. And this was a while ago, but we've  
4 had some conversation with Sandwich and they  
5 were looking for new space. So, there are  
6 options out there, as well.

7 MR. FORD: We've also got the MMA and  
8 we've got the base. You know, there are two  
9 places that we could see about getting some  
10 help.

11 Now, does the MMR have their own cable?

12 MR. GUERINO: I don't know, John. I  
13 don't believe they have their own setup out  
14 there, do they?

15 MR. MEALY: I think we should do  
16 something with them, anyway.

17 MR. FORD: They have their own  
18 channel.

19 MR. GUERINO: . They have their own  
20 access channel.

21 Mr. Mulvey.

22 MR. MULVEY: Well, we're right down to  
23 whether or not the town wants to maintain a  
24 local studio and production. That's where it's

1 at, right?

2 MR. GUERINO: That's part of it.

3 MR. MULVEY: Well, other than the  
4 office.

5 MR. GUERINO: That's part of it, too.

6 MR. MULVEY: What's the third one?

7 MR. GUERINO: It's franchise fees.

8 It's, you know, there's a number of things as  
9 far as what the Town charges, how much they're  
10 going to ask for a franchise fee, those type -

11 MR. MULVEY: Okay.

12 MR. GUERINO: There's a lot of things

13 -  
14 MR. MULVEY: That's where I was going.

15 You know, this is productive and useful but,  
16 going forward, I would think we have to get  
17 right down and determine what it is cost - what  
18 the cost is to date to run that studio and the  
19 programs that we have.

20 MR. GUERINO: About \$89,000 today.

21 MR. MULVEY: Based on what? In other  
22 words, you have the studio that's in a school.  
23 The school board may decide, "Hey, baby, that's  
24 our space. We're going to rent it to you if

1 it's a private/public operation. Not a Town  
2 operation." Okay? That is a factor of cost,  
3 possibly -

4 FROM THE FLOOR: It's a private  
5 operation now.

6 MR. GUERINO: That's right, it's not a  
7 Town operation now.

8 MR. MULVEY: That's right, but it is  
9 going to change.

10 MR. GUERINO: Right, but there's no  
11 fee for that facility to a private company now.  
12 I don't think that the School Department -

13 MR. MULVEY: But that can't be assumed  
14 in the future. The whole ball game's changing.  
15 But skip that for the moment.

16 So, then you've got utilities. Okay?  
17 You've got the power and so on and so forth.  
18 You've got the equipment and maintenance of the  
19 equipment.

20 MR. GUERINO: That's in there.

21 MR. MULVEY: You've got the personnel.

22 MR. GUERINO: That's in there.

23 MR. MULVEY: The wages, the benefits.

24 MR. GUERINO: That's in there.

1 MR. MULVEY: So you've got some kind  
2 of a labor contract you're going to have to get  
3 into there. You know, all of these things have  
4 to be resolved before you can talk intelligently  
5 about this to the public where it's going to  
6 have to go.

7 MR. GUERINO: Mr. Ford.

8 MR. FORD: I think what it gets down  
9 to, you know, Jim, would you be willing to pay  
10 \$2 more on your bill a month to have a first  
11 class studio over there?

12 MR. MULVEY: Absolutely not.

13 MR. FORD: Okay -

14 MR. MULVEY: That's 62 bucks, but I've  
15 got about ten channels I watch now, and as I say  
16 I'm about ready to go to a I don't know Direct  
17 or satellite or whatever. Because I'm totally  
18 dissatisfied with Comcast, other than your  
19 personnel in the local office.

20 Totally dissatisfied, because over the  
21 years, not only have the prices gone up, up, up,  
22 they've taken and lessened what I have access to  
23 and if they've added something it's generally  
24 been things that I could care less about.

1 MR. HAYWARD: Spanish T.V.

2 MR. BARLOW: Yeah. One of the  
3 biggest things that - I don't mean to interrupt

4 -

5 MR. GUERINO: No, go ahead.

6 MR. BARLOW: - that was taken away, to  
7 a lot of people, and it happened when Comcast  
8 came in and Adelphia went out, was the menu.  
9 And people were really upset about that, and I  
10 know it's not negotiable. I know it's not  
11 negotiable. But the fact is, that people were  
12 unhappy.

13 Not with you, personally, but with  
14 Comcast, for taking that away. I mean, it was  
15 just a real convenient thing for the people in  
16 this town to have their menu there. It didn't  
17 seem like it cost a lot of money to have it  
18 there, but apparently it's Comcast's policy not  
19 to have a menu, so -

20 MR. GUERINO: Is this a menu that  
21 scrolls on the screen?

22 MR. BARLOW: Yeah.

23 MR. FORD: They still have it, Skip.

24 MR. GUERINO: They still have it.



1 MR. FORD: No, you have to get over a  
2 certain -

3 MR. MULVEY: No, it's on the expanded,  
4 Skip.

5 MR. BARLOW: You know, Jim might watch  
6 ten channels. I don't. I could care less  
7 about T.V. Diane likes to watch public  
8 programs, that's the only reason we have cable.  
9 Otherwise, wouldn't have it. Wouldn't even  
10 have it. It means nothing to me, you know?  
11 It's like reading the newspaper, you know?

12 MR. GUERINO: Anything else?

13 Mary, anything?

14 MS. O'KEEFFE: No.

15 MR. FORD: We appreciate your coming  
16 tonight, Mary, even though we picked on you. It  
17 wasn't you, personally.

18 MS. O'KEEFFE: It was an education.

19 MR. GUERINO: This wasn't the hardest  
20 one you've been at, though?

21 MR. MULVEY: There's one thing, you  
22 know, that came up and we just touched on it.  
23 If Comcast divests itself of this 100,000 that  
24 we say it costs to run it per year, then

1 suddenly then it goes into their profit base and  
2 of course then that is a factor, I suppose, for  
3 the state to consider when they allow them to  
4 set rates.

5 MR. SCHOFIELD: The state has nothing  
6 to do with rates.

7 MR. MULVEY: We don't, no.

8 MR. SCHOFIELD: Our state has nothing  
9 to do with it. It's all in Washington.

10 MR. MULVEY: Federal?

11 MR. SCHOFIELD: It's all federal.

12 MR. MULVEY: So your negotiations -  
13 the negotiations now for this contract are with  
14 Comcast, right?

15 MR. GUERINO: Yes.

16 MR. MULVEY: But the rates are set by  
17 the feds?

18 MR. GUERINO: The rates are approved  
19 by the feds.

20 MR. MULVEY: What does the local state  
21 Department of Public Utilities cover?

22 MS. DONOVAN: Nothing.

23 MR. SCHOFIELD: Nothing.

24 MR. MULVEY: That's a revelation,

1 then. I thought that they had a say in this  
2 matter.

3 MR. SCHOFIELD: Well, they kind of  
4 watch things; isn't that pretty much what they  
5 do, Mary?

6 MS. O'KEEFFE: The only thing the  
7 state is responsible for is the basic service  
8 rate in towns that are regulated. Not all  
9 towns have the state regulate basic service.  
10 Anything else has nothing to do with the state,  
11 has nothing to do with the federal government.  
12 The federal government is not regulating rates.

13 MR. MULVEY: Now, are some are not  
14 regulated because the Town owns a utility?

15 MS. O'KEEFFE: No. Nothing to do with  
16 that.

17 MR. MULVEY: Why are some regulated  
18 and some not?

19 MS. O'KEEFFE: In some towns where  
20 there is what we call effective competition we  
21 petition the state to un-regulate the Town  
22 because there is competition, just as an  
23 example.

24 MR. FORD: Like Boston, probably

1 Boston. They, what, have four different service  
2 providers?

3 MS. O'KEEFFE: I don't know,  
4 specifically.

5 MR. FORD: Well, I think they have  
6 four service -

7 MR. MEALY: Let's join Boston. Let's  
8 bring our 7,300-

9 MR. GUERINO: With that comes a lot of  
10 other things, Mr. Mealy. I'm not sure that you,  
11 you know. If there's --

12 Mr. Schofield, I'm sorry.

13 MR. SCHOFIELD: I have one comment to  
14 make. It might just throw a little shed on what  
15 came up here with a couple of the Selectmen.

16 Joining another town. I talked to a  
17 couple of towns about this a couple years ago  
18 before we got into this process, because they  
19 were in it. And one of the biggest downfalls,  
20 and especially with a town like Bourne because,  
21 where we are geographically, the only economics  
22 are going to be to have one basic studio to  
23 cover the two towns or the three towns, and  
24 it'll be a major inconvenience for a Town like

1 Bourne to go to Sandwich or to go to Falmouth or  
2 go somewhere else to handle the studio work that  
3 we presently do here.

4 MR. PICKARD: We could do our shopping  
5 when we go there because we have no supermarket.

6 MR. GUERINO: Arghh!

7 MR. FORD: What if they came here,  
8 though, who has the better and the free studio?

9 MR. SCHOFIELD: Yeah, but that's one  
10 of the drawbacks of being on the edge of the  
11 cliff.

12 MR. PICKARD: But if you're sharing  
13 equipment and resources, and personnel. So say  
14 you get three towns in and one's Board of  
15 Selectmen meets Monday night, one meets Tuesday  
16 night and one meets Thursday.

17 MR. SCHOFIELD: This is what I came up  
18 against when I -

19 MR. MEALY: For instance, if Sandwich  
20 is looking for a place for their studio -

21 MR. GUERINO: Well, they were two  
22 years ago. But they've found a place since  
23 then.

24 MR. MEALY: Okay.

1 MR. GUERINO: They were ready at that  
2 point in time. We weren't even into the  
3 beginnings of this.

4 MR. FORD: Are they paying rent?

5 MR. GUERINO: I don't know what  
6 Sandwich is going, John.

7 MR. FORD: We probably should ask.

8 MR. GUERINO: I'm going to see Bud  
9 tomorrow and Friday at the Mass. Managers  
10 sessions up in Hyannis, so I'll see if we can  
11 pull something together.

12 MR. SCHOFIELD: We'll get some answers  
13 to some of the questions that were asked  
14 tonight.

15 MR. GUERINO: Yeah.

16 If there's nothing else - is there  
17 anything else? I don't want to shut this off  
18 before - Mr. Ford, anything more? Mister - no.  
19 Sir, in the back?

20 MAN IN THE BACK: No, just curious  
21 when the next hearing's going to be.

22 MR. GUERINO: That has not been  
23 determined yet. I don't know when that next  
24 will be. I know that the Committee's got to

1 meet with Mr. Epstein. I'm going to have  
2 Heather come up from Falmouth. So we've got a  
3 couple more - it's going to be within the next  
4 two months, but it's not scheduled at this  
5 point.

6 So, just for the record, if there is no  
7 further testimony, we'll conclude tonight's  
8 public hearing. The Board of Selectmen will  
9 keep the hearing record open for 14 days in  
10 order to receive any additional testimony.  
11 Interested parties are encouraged to submit  
12 written testimony on any renewal-related issue  
13 discussed tonight or regarding any cable-related  
14 issue.

15 For the record, written testimony or  
16 comments can be submitted by 4:30 on the 26<sup>th</sup>, so  
17 that's actually more than 14 days, about 21  
18 days. Those comments should be sent to the  
19 Selectmen's Office, Attention: Cable T.V.  
20 Comments, Bourne Town Hall, 24 Perry Avenue,  
21 Buzzards Bay, 02532.

22 Or if you have any questions related to  
23 tonight's hearing or the renewal process, call  
24 the Selectmen's Office at 759-0600, extension

1 503.

2 Mr. Ford.

3 MR. FORD: Tom, just one thing. Are  
4 you going to make a press release? I think  
5 somewhere -

6 MR. GUERINO: Yes.

7 MR. FORD: This wasn't televised. We  
8 should tell the consumers that they're talking  
9 about going up on their rates to support a  
10 studio, and it's in negotiations, and do they  
11 have any comments or ideas. Because I don't  
12 think anybody out there knows that this  
13 hearing's going for 14 days and they'd have a  
14 chance to have input into it. Other than what  
15 we said at the Selectmen's Meeting, and if we  
16 had this on tape, we could have been playing it  
17 all week.

18 MR. GUERINO: Right.

19 MR. FORD: But I think if you made a  
20 press release to the Enterprise, the Cape Cod  
21 Times -

22 MR. GUERINO: We can do that. Again,  
23 Mr. Ford, I wasn't aware until this afternoon,  
24 actually, that we weren't going to be taped



1 tonight because of the School Committee meeting,  
2 so -

3 MR. PICKARD: Can that press release  
4 also be read at each of our meetings?

5 MR. GUERINO: Yes, we can have that  
6 available for Tuesday night -

7 MR. PICKARD: Because we need to get  
8 this out.

9 MR. GUERINO: Right.

10 MR. PICKARD: One of the big things  
11 about when you say the picture could go blank;  
12 what immediately goes into your mind is as an  
13 elected official is that: there goes the  
14 transparency that everybody has been asking for.

15 MR. GUERINO: That's right. You're  
16 right.

17 MR. PICKARD: So let's get it out and  
18 make sure they know that we need to be - they  
19 need to send their comments in or whatever at a  
20 certain period of time.

21 MR. GUERINO: And finally, Mary, any  
22 closing comments for us? This is the best  
23 meeting you've ever attended in your life,  
24 things like that, or?

1 Thank you, gentlemen.

2 MS. O'KEEFFE: Just for the record,  
3 the criteria for granting the renewal license,  
4 there are four criteria the issuing authority  
5 must review in renewing Comcast's license. For  
6 the record, I'd like to briefly state our  
7 compliance with these criteria.

8 Comcast has substantially complied with  
9 the material terms of the existing franchise and  
10 with applicable law. The quality of our  
11 service, including signal qualities, response to  
12 consumer complaints and billing practices, has  
13 been reasonable in light of community needs.  
14 Comcast has the legal, financial, and technical  
15 ability to provide the services and to continue  
16 our services in the Town of Bourne, and Comcast  
17 will meet the future cable-related community  
18 needs and interests in the Town of Bourne.

19 Thank you.

20 MR. GUERINO: With that, we will close  
21 the hearing, and I thank those who took the time  
22 to come out this evening, thank the members of  
23 the Committee, and members of the Board of  
24 Selectmen and representatives from Comcast.

1 And Carol for taking care of us for tonight's  
2 hearing.

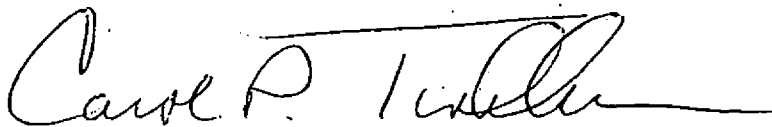
3 [8:25 p.m., whereupon, this matter ended.]  
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C E R T I F I C A T E

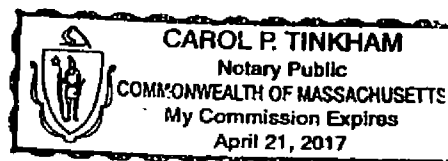
COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of the Bourne, Massachusetts, Comcast Cable Ascertainment Public Hearing, taken by me on June 2, 2010. To the best of my ability the within transcript is a complete, true and accurate record of said Ascertainment Hearing.

In witness whereof, I have hereunto set my hand and Notary Seal this 7th day of June, 2010.



Carol P. Tinkham, Notary Public  
My Commission Expires:  
April 21, 2017



PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS  
TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE  
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**TOWN OF BOURNE  
PUBLIC NOTICE  
BOURNE CABLE TELEVISION  
PUBLIC ASCERTAINMENT HEARING**

The Board of Selectmen, as statutory Issuing Authority for the Town of Bourne, will conduct a public ascertainment hearing on Wednesday June 2, 2010 at 7:00 PM, in the Selectmen's Hearing Room at the Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay, MA. The purpose of the hearing will be to review the performance of the current cable television operator, Comcast, during its current license term and to hear testimony on future cable-related needs and interest of the Bourne community. Interested parties are encouraged to attend and offer testimony on any cable-related matters. Any applications and reports to be considered at the hearing are available for public inspection at the Bourne Town Hall during regular business hours and for reproduction at a reasonable fee. For more information on the public hearing, please call the Board of Selectmen's Office at 508-759-0600 ext. 503.

May 14, 21, 2010



Comcast Cable  
676 Island Pond Road  
Manchester, NH 03109  
603.695.1400 Tel  
603.628.3303 Fax  
www.comcast.com

2010 JUL 9 PM 3 11

June 23, 2010

TOWN CLERK'S OFFICE

BOURNE, MA

RECEIVED

JUN 28 2010

TOWN OF BOURNE  
BOARD OF SELECTMEN

Board of Selectmen  
Town of Bourne  
24 Perry Ave.  
Bourne, MA 02532

**Re: Bourne Ascertainment Hearing Transcript – June 2, 2010**

Dear Chairman and Members of the Board:

Please find enclosed a copy of the transcript for the ascertainment hearing regarding the Cable Television License for the Town of Bourne.

Please take note that due to copyright laws, the enclosed transcript cannot be copied and/or posted on the Internet without the prior consent of the court reporter. If you have any questions regarding this mailing, please feel free to contact me at (603) 695-1492.

Sincerely,

Denise Mason  
Franchising Specialist

/dmm  
Enclosure

cc: Thomas Guerino, Town Administrator – c/o Town Hall  
Cable Advisory Committee – c/o Town Hall  
Nick Leuci – Comcast Vice President of Government & Community Relations  
Bob Carr – Comcast Sr. Director of Government Relations  
Mary O'Keeffe – Comcast Sr. Manager of Government & Community Relations

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BOURNE

MEETING OF THE  
CABLE ADVISORY COMMITTEE

Wednesday, June 2, 2010

7:00 P.M.

\* \* \* \* \*

COMCAST CABLE ASCERTAINMENT HEARING

\* \* \* \* \*

Held at:  
Bourne Veterans Memorial Community Center  
239 Main Street  
Buzzards Bay, Massachusetts  
02532

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KAREN SMITH REPORTING  
14 Palmer Avenue  
Danvers, Massachusetts 01923  
(978) 777-5802

COPY

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May 14, 21, 2010



A P P E A R A N C E S

## THE CABLE ADVISORY COMMITTEE

ROBERT SCHOFIELD, CHAIR  
KATHLEEN DONOVAN  
DIANE FLYNN

THOMAS GUERINO, TOWN ADMINISTRATOR

## THE BOARD OF SELECTMEN

JOHN FORD  
STEPHEN MEALY  
DONALD PICKARD

Representing the Town of Bourne

MARY O'KEEFFE,  
Senior Manager of Government and Community Relations  
Comcast Cable  
681 Falmouth Road, Deer Crossing B-16  
Mashpee, MA 02649  
(508) 477-7738  
Representing Comcast

P R O C E E D I N G S

[7:00 P.M.]

MR. GUERINO: Okay, it being seven o'clock on June 2<sup>nd</sup>, I'm going to call this hearing to order. And for the record I'm going to make an opening comment, and we'll move from there.

Good evening. My name is Thomas Guerino, acting on behalf of the Board of Selectmen, which is the statutory cable television Issuing Authority. Before going further, let me introduce the members of the Board of Selectmen that are here tonight: Chairman Ford, Vice-Chairman Pickard, and Selectman Mealy. As well as the Town's Cable Advisory Committee, who are in attendance this evening: it would be Diane Flynn, Kay Donovan, Robert Schofield. Mr. Lock is not here as of this moment.

Tonight's hearing has been duly published in the Bourne Enterprise on May 14<sup>th</sup> and May 21<sup>st</sup>, 2010, and I have provided a copy of that notice for the public record.

Tonight's hearing is mandated by the

1 renewal provision of the Federal Cable Act. The  
2 current cable television license held by Comcast  
3 will expire in mid-2011, I believe May. The  
4 Town is currently involved in the federally-  
5 required ascertainment process. As part of the  
6 process, the Town of Bourne has also been  
7 working with seven other towns, (Sandwich,  
8 Chatham, Dedham, Falmouth, Harwich, Mashpee and  
9 Yarmouth) as part of a Cape Cod Consortium to  
10 help jointly prepare for certain common aspects  
11 of all the towns' ascertainment processes. This  
12 regional effort has been very efficient and has  
13 reduced what would otherwise have resulted in  
14 redundant administrative efforts. However,  
15 Bourne's license renewal is on a different time  
16 schedule than our neighboring communities.  
17 Thus, we will continue to seek advice and  
18 counsel from those communities who have recently  
19 completed the process.

20 Also, as part of the Bourne  
21 ascertainment process, there has been  
22 substantial public outreach and public notice of  
23 this event on Local Cable Access and through the  
24 Town of Bourne's website and on two separate

1 Board of Selectmen meeting nights that is also  
2 covered on the live cable access.

3 The purpose of tonight's hearing is to  
4 identify the future cable-related community  
5 needs and interests, and two, review the  
6 performance of Comcast in the Town under its  
7 current cable television license, and three, to  
8 work toward how the establishment of a new  
9 method of staffing and broadcasting local access  
10 programs and establishing well-thought policy  
11 for a new cable access structure will be  
12 provided.

13 The Town will also commence in  
14 obtaining broad public community input. There  
15 will be a second public hearing on this matter  
16 in the near future, as well. Once the Town has  
17 gathered community input, it will forward the  
18 results to Comcast in what amounts to a Request  
19 for Proposal, or RFP. This will basically  
20 inform Comcast of the kinds of services and  
21 facilities that the Town expects will be  
22 provided during any possible renewal term.  
23 Thus, the testimony that is given this evening  
24 and at subsequent hearings is very important and

1 I encourage you all to speak candidly and  
2 specifically about any cable-related matters.

3 You must come up and provide testimony  
4 in order for your views to count and be part of  
5 the official record. So, please testify. When  
6 you speak, please give your name and address.  
7 Because this is an ascertainment hearing for the  
8 Town, I ask that you not pose direct questions  
9 to Comcast.

10 Mary O'Keeffe is here on behalf of the  
11 company this evening.

12 All testimony and written inquiries  
13 should be directed to the Chairman of the Cable  
14 Advisory Committee.

15 And I'd like to clarify two things  
16 about this ascertainment hearing on cable  
17 matters. There are two related subjects for  
18 which the Board of Selectmen has no authority to  
19 regulate. The first is the rates that Comcast  
20 charges for its services, and the second is the  
21 commercial programming that Comcast chooses to  
22 show over its cable television systems. I  
23 realize and the Board of Selectmen realize that  
24 these are two important issues for cable

1 subscribers. While people are certainly free to  
2 comment on these matters this evening, it is  
3 important for everyone nonetheless to realize  
4 that the Selectmen and the Cable Advisory  
5 Committee cannot mandate the specific rates that  
6 Comcast can charge, nor can the Selectmen  
7 mandate the specific commercial programming that  
8 Comcast carries on its cable system in Town.

9 I'd like now to turn this over to Mr.  
10 Schofield and the Cable Advisory Committee to  
11 have any other comments that they may want to  
12 make, and I will have a closing comment at the  
13 end of the hearing.

14 MR. SCHOFIELD: Just to add to what  
15 Tom has already talked about on the  
16 ascertainment hearing, we're looking for as much  
17 public comment as we can ascertain in the next  
18 three or four months before we sit down and  
19 negotiate with Comcast so that we have something  
20 to talk about. And if we don't, we can't come  
21 back later and say, "Where were we?"

22 This process should be finished by the  
23 early part of next year. We hope it will be  
24 finished by then, and covering all the acts that

1 have to be covered.

2 One of the biggest parts of this new  
3 contract is the fact that we're going to have to  
4 establish a non-profit entity to run the local  
5 T.V., the local cable, in that Comcast is giving  
6 up handling that for the towns on the Cape, and  
7 I think they're doing that throughout their  
8 system. But we're not going to lose it, we're  
9 just going to have to pick it up on the Town's  
10 behalf and run it like it has been run.

11 I think now I'd open it up for any  
12 comments that anybody would like to make.

13 MR. GUERINO: Anyone else on the  
14 Committee, first? Members of the Board? The  
15 public? Mr. Hayward. Oh, I'm going to ask,  
16 also, if I could, Mr. Hayward, before you leave,  
17 if you could sign in; there's a sign-up sheet.  
18 That way we could -

19 MR. SCHOFIELD: Yeah, I think  
20 everybody has.

21 MR. GUERINO: Okay, have that covered.  
22 Mr. Hayward.

23 MR. HAYWARD: Don Hayward, Monument  
24 Beach. When you referred to commercial

1 programming, were you referring to the  
2 individual programs, itself? Or when you - you  
3 specifically said "commercial"; I'm unclear -

4 MR. GUERINO: That would be the  
5 stations that are carried and the packages that  
6 are offered by Comcast, the tiers that I believe  
7 that they offer and the different stations and  
8 programs that are available from that.

9 MR. HAYWARD: Okay, so when I refer to  
10 the three Spanish-speaking channels that I get,  
11 as opposed to not being able to get something  
12 that I can understand, that would be under that  
13 and you have nothing to do with it?

14 MR. GUERINO: That's correct.

15 MR. HAYWARD: Oh, so, but that's why  
16 I'm here, because I can't understand Spanish.

17 MR. GUERINO: Mr. Ford?

18 MR. FORD: Tom, you explained what the  
19 Selectmen can't control; what can we control?

20 MR. GUERINO: Well, the Board of  
21 Selectmen with the Cable Advisory Committee has  
22 the authority to review the public comment,  
23 create with the Cable Advisory Committee what  
24 the - after you take public input, what you want



1 to see in the next contract. Perhaps how this  
2 non-profit is going to be run, the time frame  
3 that Comcast and the Town will negotiate before  
4 that passing of the baton goes from Comcast to  
5 the Town, the types of public access programming  
6 that you have. You have three channels; that's  
7 required by the law, now, you have three public  
8 access channels. Where there is density per  
9 mile, you know, where to run, where to hook-up  
10 public facilities. Those types of things.

11 Mary, is there something I'm missing on  
12 that, or is that fairly?

13 MS. O'KEEFFE: Those are the  
14 highlights.

15 MR. GUERINO: Right.

16 MS. O'KEEFFE: Right.

17 MR. GUERINO: Mr. Barlow?

18 MR. BARLOW: All right, now, you spoke  
19 that about number one you want some input, so  
20 why don't you do this on a cable show? Why  
21 don't you have the cable show that you can call  
22 in, you've got three lines, and let people call  
23 in? Maybe you'd get a lot of input because  
24 people who have cable would be interested in

1 what's going on.

2 The other thing that I see has a big  
3 problem is the idea of converting over to a non-  
4 profit. Wareham's just done it and it's a  
5 disaster. And it doesn't work really good  
6 anywhere. We don't have a lot of volunteers at  
7 the studio now. So why would you expect that  
8 you would have more when it goes to non-profit?

9 MR. GUERINO: I don't think that I  
10 expect anything, Mr. Barlow. I don't think  
11 we're going to have a choice in the matter. I  
12 think that they're going to give that up.

13 MR. BARLOW: All right, if there's no  
14 choice in it, is Comcast going to get all the  
15 money, or how is the non-profit going to work?  
16 How much funding is going to come back to that  
17 non-profit from Comcast? Because if we're all  
18 paying cable, all right, and the cable station's  
19 shut down, why should we buy cable? Why not get  
20 Direct T.V.? I mean, it just makes sense.

21 And, you know, there has to be some  
22 incentive for cable to exist. It really does.  
23 I mean, other than the fact that you've got the  
24 Selectmen show and a couple of shows that people

1 watch, it could get tough. And there's just not  
2 enough volunteers to make it happen, I don't  
3 see.

4 MR. SCHOFIELD: That's part of the  
5 negotiating process, Skip, and that's what we're  
6 going to be doing with the negotiating. We  
7 don't have an awful lot we can negotiate about,  
8 but this is one of the major factors. We want  
9 it to be as transparent as we can make it, and I  
10 think we can do that.

11 MR. FORD: Robert, what Skip was  
12 saying, is there anyplace that's been successful  
13 taking over the station, the ones that Comcast  
14 transferred, is there anyplace that we could go  
15 to see someplace that's actually made it?

16 MR. GUERINO: Sandwich has done a good  
17 job with their non-profit. Plymouth has done  
18 very well with their non-profit. Most of the  
19 communities now do have their own cable access  
20 Community T.V. that is not funded by the -  
21 excuse me, not manned - it is funded by the  
22 cable companies, for the most part. It comes  
23 out of the negotiation that we will do relative  
24 to how we can get some money for that, but most

1 of the communities now do not have their cable  
2 access manned and staffed by paid employees of  
3 the cable company. It's generally a non-profit.

4 Mary, anything?

5 MS. O'KEEFFE: That is correct.

6 Another close neighbor is Old Rochester  
7 Community Television; Marion, Mattapoisett,  
8 Wareham just went through this transition about  
9 five years ago. Fairhaven is in the process of  
10 starting up their own process. The mid-Cape has  
11 a very robust, well-seasoned access corporation  
12 for five towns. And Plymouth is a really good  
13 example, too.

14 MR. GUERINO: Skip.

15 MR. BARLOW: Yeah, most of those were  
16 in existence before you had things like Direct  
17 T.V. and like that, so they had a plateau on the  
18 ground already, particularly down the Cape.  
19 Particularly down the Cape. You can't even  
20 compare us to them. We're kind of on our own,  
21 here. We can't tie in with Falmouth or Mashpee;  
22 they're on their own. And we're on our own.  
23 We're not going to tie into Sandwich, I don't  
24 believe that.

1                   So, do we get - do any of those  
2                   stations get funded back through Comcast or do  
3                   they get nothing?

4                   MS. O'KEEFFE:    If I may, Mister -

5                   MR. GUERINO:    Yeah.

6                   MS. O'KEEFFE:    Through the licensing  
7                   process, through the renewal negotiation  
8                   process, the negotiation is for funding to  
9                   outfit, support operations and capital for  
10                  public education, government access. It's  
11                  called a franchise fee. So there will be a  
12                  franchise fee that will be on top of your video  
13                  or your cable portion of your monthly bill, and  
14                  that amount, that percentage is negotiated  
15                  between Comcast and the Cable Advisory  
16                  Committee.

17                  In a sense, Comcast is just a collector  
18                  of that funds from all of the subscribers that  
19                  then go to the Town, or designee, which could be  
20                  the non-profit access corporation, to fund  
21                  salaries, operational expenses, rent, lease, any  
22                  of those things along with capital and  
23                  equipment.

24                  So, it's the subscribers that are

1 paying for that service.

2 MR. BARLOW: So, what is Comcast  
3 getting paid for? I mean, if you're going to  
4 abandon, basically, the studio, and volunteers,  
5 a non-profit's going to run it, what's the  
6 incentive to keep Comcast?

7 MS. O'KEEFFE: Well -

8 MR. BARLOW: I'm just saying.

9 MS. O'KEEFFE: - community access is  
10 as vibrant as the community. The idea of  
11 community access, whether it's Comcast run or an  
12 access corp run, is the involvement of the  
13 community in creating programs. So, it's  
14 training, learning how to create programs, all  
15 the classes, that type of thing.

16 So, it behooves the residents of Bourne  
17 to find this access. They have it now; they'll  
18 have it in the future, but it's as vibrant as  
19 the people's input and the willingness to be  
20 involved and whether you have a show idea or  
21 not.

22 I know you're involved with the  
23 programming. So we need more people like you to  
24 get involved to create programming, whether you

1 have an idea or not. But that's what it's all  
2 about, it's really grassroots efforts to  
3 represent the community.

4 MR. GUERINO: In the - I'm sorry, Mr.  
5 Ford?

6 MR. FORD: No, I was just going to  
7 say, I just question that do we have a franchise  
8 fee on there now that's paying for the studio?  
9 On our bills from Comcast?

10 MS. O'KEEFFE: No, because Comcast is  
11 operating the studio.

12 MR. FORD: Okay, when we have the -  
13 when there is the split and we take over the  
14 studio, the bills will go up to show a franchise  
15 cost?

16 MS. O'KEEFFE: Correct.

17 MR. FORD: Okay, the consumers, the  
18 taxpayers, are going to be paying for this - or  
19 the users of the Comcast?

20 MS. O'KEEFFE: The subscribers, yes.

21 MR. FORD: Subscribers will be paying  
22 for this. Do you have any idea what kind of  
23 money that would be per user or for the -

24 MS. O'KEEFFE: That's negotiated.

1 MR. GUERINO: The current operation,  
2 Mr. Ford, is about a \$90,000 operation.

3 MR. FORD: If you spread that, how many  
4 users are there in the system?

5 MR. SCHOFIELD: 9379, as of the first  
6 of this year.

7 MR. FORD: 9379, so break that down,  
8 that's --

9 MR. SCHOFIELD: Roughly ten dollars a -

10 MR. FORD: A buck a month.

11 MR. SCHOFIELD: A buck a month, yeah.

12 MR. FORD: When I left the house, I  
13 asked my wife, I said, is there any question  
14 that I should bring up? And she says, "The  
15 cost," you know? And I says, yeah, when I came  
16 down here, when the system first came in, I  
17 think everybody would say it's tripled. And if  
18 we're going to take over the studio and put it  
19 onto the consumers, we could go with the  
20 Cadillac, but then instead of being a buck a  
21 month, it might be two dollars a month. And I  
22 see even the elderly discount for the people -  
23 T.V. is an expense today for somebody on Social  
24 Security. And I don't know what we can do about



1 the cost, because if we don't have any control -

2 MR. GUERINO: Yeah, I was just going  
3 to go back to add that comment, we don't have  
4 any control over it.

5 MR. FORD: But now that we're talking  
6 about the studio, I think people ought to  
7 realize that when we take it over, the  
8 consumer's going to pay for it, and they'll get  
9 what they want. So, with \$90,000, that pays for  
10 an employee and equipment. It doesn't sound  
11 like a lot of money.

12 MR. GUERINO: It is not. And there  
13 are some items in the budget that we have here  
14 that will certainly be more expensive, but wage  
15 and benefit, there is equipment, the van that  
16 they have and so forth, those types of things,  
17 there is a minimal cost there because the  
18 capital cost of that piece of equipment's not  
19 included in the budget that we have here.

20 So, I would expect that by the time we  
21 have - if we decide - if the Town decides to go  
22 with a 501 (c)(3) non-profit and filing fees and  
23 all the things that go on with that, that's  
24 probably five or six thousand dollars by the

1 time you get that filed with all the legal  
2 pieces that you need to do with the Secretary of  
3 State's Office.

4 MR. FORD: We're going to have to get  
5 service people. Comcast has some of those  
6 people and equipment. You know, if you're  
7 talking, I betcha if it's a \$90,000, if we're  
8 taking it over, it's going to cost at least 120,  
9 130.

10 MR. GUERINO: I was figuring -

11 MR. FORD: Maybe 150.

12 MR. GUERINO: I was figuring by the  
13 time the second year came rolling around it was  
14 probably going to be \$175,000. I mean, that's  
15 without adding additional staff or you know  
16 beyond what they currently have when we get all  
17 - but those are other pieces that you are -- I  
18 think it's \$1.50 per subscriber now or  
19 thereabouts that we get for equipment.

20 The Board of Selectmen just authorized  
21 the purchase of some equipment that came  
22 through. I think it was what, 15 or 16  
23 thousand dollars' worth of equipment upgrades  
24 that they had, and those are the other types of

1 things that we'll be negotiating, on capital and  
2 maintenance and those type things that all will  
3 come out of that franchise fee agreement.

4 Mr. Mealy.

5 MR. MEALY: Can we talk about an  
6 example of some of the other communities and  
7 what they've negotiated? Because it doesn't  
8 sound like there's an awful lot of negotiation  
9 that can happen. I mean, frankly, we're going  
10 to negotiate with ourselves how much we want to  
11 pay ourselves in order to have a studio. So  
12 that really doesn't involve Comcast, because  
13 they're just going to collect it.

14 We can't talk about fees, we can't talk  
15 about content.

16 MR. GUERINO: Right.

17 MR. MEALY: So it kind of narrows it  
18 down to like -

19 MR. GUERINO: Now that's not us.  
20 That is the federal regulatory piece.

21 MR. MEALY: No, I understand where  
22 it's coming from and why, but is there any  
23 example of what other communities have done to  
24 help enlighten?

1 MR. GUERINO: Well, I think some of  
2 the things you can discuss is, and you want to  
3 negotiate are issues for such like fiberoptic.  
4 How their fiber optics are coming through  
5 digital - I don't know, new technologies that  
6 the company may be bringing on and have brought  
7 on to other areas; how will that affect - how  
8 will they bring those into the community that  
9 they have now.

10 One of the big things that I think the  
11 Town needs to negotiate for, and it's something  
12 that we already have, but we've seen it happen  
13 in other communities, is the loss of the local  
14 office. We have the local office over on Perry  
15 Avenue. And that is a huge convenience for  
16 folks who want to go in and get a box, switch  
17 out remotes, pay their bill. And keeping that  
18 particular office locally, as opposed to having  
19 it regionally, either in Falmouth or up in  
20 Plymouth or wherever else it may be, is a very  
21 important feature to a town that has so many  
22 villages and is as spread out as this is. It's  
23 still quite a bit of a distance for people to  
24 come in, you know, to come to the office, but

1 keeping that office open in Bourne is something  
2 that we're going to, I believe the Board of  
3 Selectmen and the Cable Committee will want to  
4 really put some pressure on to keep that open.

5 MR. FORD: Well, is that going to cost  
6 us, too?

7 MR. GUERINO: I don't have an answer  
8 to that, Mr. Ford.

9 MR. FORD: Is it no cost?

10 MR. GUERINO: Well, everything's a  
11 cost. I mean -

12 MR. SCHOFIELD: It's a matter of  
13 negotiating where they put it. This is their  
14 office, this is Comcast's office.

15 MR. GUERINO: The bottom line is if  
16 they take the office out of here, the rates  
17 aren't going to go down. Okay, they're not  
18 going to reduce the rates if they take the  
19 office out of here. So -

20 MR. FORD: Is there any private  
21 partnerships where, you know, they collect the  
22 money but they don't administrate the system and  
23 the private company runs the studio and somebody  
24 makes a living off it and does it? Because I

1        imagine Comcast is going to take a fee for  
2        administrating the money. They're not going to  
3        do this for nothing.

4                MR. GUERINO:    I can't answer it. I am  
5        not aware of any local cable access company that  
6        is not a local non-profit or part of a  
7        municipality.

8                Mr. Barlow, then Mr. Mulvey.

9                MR. BARLOW:    Yeah, obviously this  
10       thing's a real dog and that's why they want to  
11       get rid of it, you know? I mean, that's got to  
12       be crux of the matter, is that it costs a lot of  
13       money for them to carry these studios; so  
14       they've got to get rid of it.

15               So, is the Town really interested in  
16       taking on this burden? Because that's what it  
17       is, is a burden; it's going to cost us. It's  
18       going to cost us \$90,000 the first year, maybe  
19       \$175,000 the second year. You said it. That  
20       money's not going to come from pig roasts and  
21       parades. It's going to come out of the Town  
22       coffers; that's where the money's going to come  
23       from, whether it's a non-profit or not, that's  
24       where it's going to come from.

1           You're not going to find people in the  
2           Town who are going to - you know, most people  
3           that have cable, you know, they're already  
4           paying for it. You know, so how much more are  
5           they going to pay? Are you going to charge  
6           them more on their bill? Because sooner or  
7           later they're going to go somewhere else. But,  
8           obviously, you guys got some work ahead of you.

9           MR. GUERINO: Thank you.

10          Mr. Mulvey, if I could.

11          MR. MULVEY: There's only two reasons  
12          I stay with Comcast, and I'm just about ready to  
13          jump ship. One is the local channels that  
14          allow me to watch the local committees and  
15          procedures, as well as the county meetings,  
16          which I watch at times, And local associations.

17          As far as Comcast itself goes, I'm  
18          totally dissatisfied. You know, back, let's  
19          see, my bill back in let's see that is - okay,  
20          well, let's see, service on twenty nineteen was  
21          \$44.82 under Adelphia. That's not too long ago  
22          and they took it over. Right now, I feel I've  
23          got less and it's costing me \$62. So I'm  
24          completely dissatisfied.

1 I know that local can't get into the  
2 rates, but I sometimes think the DPW down in  
3 Boston and the regulatory agency's asleep at the  
4 switch, because I don't know if they're really  
5 watching what Comcast is making and what their  
6 expenses are. They're the AT&T giant of the  
7 communications world today. They're too big to  
8 control; they're a problem. But that's my -

9 The other reason, other than local  
10 channel, is the local office, and I'm going to  
11 tell you you've got two of the nicest, most  
12 professional people in there you could have.  
13 They take my guff and smile and give me answers  
14 and do their best. And I'll tell you, they are  
15 exemplary employees, and they've got a tough row  
16 to hoe.

17 So, so much for that. Some of these  
18 other issues, now, you've already touched on.  
19 What is the time frame, now, concerning the  
20 local access channels?

21 MR. GUERINO: That is something that  
22 will have to be - the local access channels by  
23 law have to be provided. They provide - there  
24 are three local access channels and that's what



1 they have to provide and that's what they will  
2 provide, going forward.

3 As far as how the studio is managed and  
4 run, that will be a subject of negotiation as to  
5 what the Board of Selectmen and the Cable  
6 Advisory Committee determine that they feel they  
7 can get this done and in what type of a timely  
8 fashion. We certainly will put the bite on  
9 Comcast to keep it under their wing, but I'm not  
10 - based on everything we know, that that's  
11 probably not going to happen.

12 But the timing and the placement of  
13 when the handover occurs is something that we  
14 will have to negotiate. The license takes  
15 effect next May, primarily, and we will not be  
16 up and ready to go in May with a whole new non-  
17 profit and whatever else the Board of Selectmen  
18 determine is appropriate, and we're going to  
19 have to negotiate a handoff and you know the  
20 Town will look for the longest period to handoff  
21 and that will be subject of a negotiation.

22 I want to go to Mr. Pickard and then  
23 back to Mr. Hayward.

24 MR. MULVEY: If I might.

1 MR. GUERINO: Yeah.

2 MR. MULVEY: I'm a little confused  
3 now. Our only decision is whether we want to  
4 take and originate local programs. When they  
5 divest themselves of the studio they by law have  
6 to provide us with coverage on Channel 15 and  
7 13, as they do now?

8 MR. GUERINO: They have to provide  
9 public government local access on three  
10 channels, is my understanding, correct, Mary?

11 MS. O'KEEFFE: It's not a law as a  
12 requirement for three channels. It is a  
13 negotiation between the Town and Comcast. Some  
14 towns have two channels, some towns have one  
15 channel.

16 MR. GUERINO: Some towns have more  
17 than three?

18 MS. O'KEEFFE: Correct.

19 MR. MULVEY: All right, if I might  
20 through the Chair. Then, if you divest  
21 yourselves of the local studio and the locally  
22 originated programs, would you have to still  
23 cover Selectmen's meetings, Finance Committee  
24 meetings -

1 MR. GUERINO: No.

2 MS. O'KEEFFE: No.

3 MR. MULVEY: What would you do with  
4 those channels you're obligated -

5 MS. O'KEEFFE: That would be  
6 transitioned to the Town's choice of public  
7 access, government access going forward.

8 MR. MULVEY: All you would provide,  
9 then, is we would have to take and originate the  
10 programs, the cameras and everything else, and  
11 then pipe it into you and then you'd put it back  
12 out to the public?

13 MS. O'KEEFFE: It's really no  
14 different than it is now.

15 MR. GUERINO: It is right now.

16 MS. O'KEEFFE: It will be no different  
17 than it is now.

18 MR. MULVEY: What's going to be  
19 different is \$100,000 we're talking about.  
20 There's a big difference.

21 MS. O'KEEFFE: No, I'm talking about -

22 MR. GUERINO: The technology of it.

23 MS. O'KEEFFE: - the technology, the  
24 production -

1 MR. MULVEY: The format.

2 MS. O'KEEFFE: - is still a meeting  
3 going live from this room.

4 MS. FLYNN: And all of the -

5 MS. O'KEEFFE: Feeding to Comcast.

6 MS. FLYNN: - equipment from the  
7 technology remains; it's the Town's.

8 MR. MULVEY: All right, who - in that  
9 case, who pays for the cameraman and the time  
10 and everything else, then?

11 MR. GUERINO: That's what we're  
12 talking about, Jim.

13 MS. O'KEEFFE: The subscribers do.

14 MR. GUERINO: Just as they do now.

15 MR. MULVEY: Well, see, I'm having  
16 trouble finding out what Comcast is going to end  
17 up doing and what we're going to have to do.

18 MS. DONOVAN: Comcast is doing nothing  
19 and we're going to do everything. They're  
20 going to collect the money and that's it.

21 MR. GUERINO: Mr. Pickard, Mr. Hayward  
22 and back to Mr. Barlow thereafter.

23 MR. PICKARD: The last town I lived in  
24 north of Boston did this four or five years ago,

1 so plenty of examples out there and there should  
2 be plenty of - and not that this is any type of,  
3 you know, make you feel good, but there should  
4 be plenty of examples that the Town  
5 Administrator and the Cable Advisory Committee  
6 can go to to find out exactly how it's worked,  
7 what's worked well, what has not worked, how the  
8 price has gone, what their projections were, and  
9 how it increased. In fact, I forwarded you a  
10 copy of the agreement with the contracted person  
11 I believe several years ago --

12 MR. GUERINO: Right.

13 MR. PICKARD: -- as well as the 501 (c)  
14 (3), so.

15 MR. GUERINO: Yes.

16 MR. PICKARD: So this is not new.  
17 It's new here, but it's not new in other parts  
18 of the state.

19 MR. GUERINO: They've been doing it in  
20 other communities for more than 20 years.

21 MR. PICKARD: And the only other  
22 comment I would make is that if the - Selectman  
23 Meli indicated that she'd like a little more a  
24 la carte selection on instead of having to buy

1 this or that or that, maybe. I think she just  
2 wanted FOX news channel, anyway.

3 MR. GUERINO: Yeah, well, as a parent,  
4 she would also like to get rid of Cartoon  
5 Network. I remember that was something that we  
6 both talked about, but, yeah, but if there was  
7 better self-selection -

8 MR. PICKARD: Yeah.

9 MR. GUERINO: - of, of, of - but,  
10 again, that's not anything we have a lot of  
11 control over, but it's certainly something to be  
12 mentioned.

13 MR. PICKARD: Yeah, it's not a bad  
14 comment.

15 MR. GUERINO: Mr. Hayward.

16 MR. HAYWARD: Yeah, before you would  
17 just unilaterally enter into negotiations,  
18 either as a Cable Advisory Board or with the  
19 Board of Selectmen, should that not - the  
20 question of whether or not the Town wants to get  
21 into the funding of a studio, of the studio  
22 itself, should that not be an article to go to  
23 Town Meeting to see if the Town wanted to fund  
24 that? I mean even prior to - in other words,

1 what I'm trying to say is you shouldn't assume  
2 that the Town wants to take it over.

3 MR. GUERINO: Yeah, I think that there  
4 certainly can be - and that's up to the Board of  
5 Selectmen, they create the warrant.

6 MR. PICKARD: We certainly have a  
7 quorum here.

8 MR. GUERINO: Huh?

9 MR. PICKARD: We have a quorum with no  
10 problem.

11 MR. GUERINO: Yeah.

12 MR. FORD: But the reason they're not  
13 going to Town Meeting is that they're going to  
14 put this on the consumers and Comcast is going  
15 to collect the money and then turn it over to  
16 the -

17 MR. GUERINO: Yeah, generally  
18 speaking, this isn't an appropriation out of the  
19 --

20 MR. FORD: General Fund.

21 MR. GUERINO: - General Fund. But  
22 some towns do it that way, but -

23 MR. PICKARD: And you could take over  
24 the studio and tomorrow have to replace all that

1 equipment, which I think would be unfortunate.

2 MR. GUERINO: That is something else  
3 that comes into the franchise negotiation. I  
4 don't think -

5 MR. FORD: I think what Don's saying is  
6 at some stage there's not going to be enough  
7 money there from the consumer and that would be  
8 at Town expense.

9 MR. GUERINO: I mean, I guess the  
10 option is if Comcast is getting out of the  
11 business of running local access with their own  
12 employment and so forth, and the Town chooses  
13 not to do that, you could, you know, the cameras  
14 could go black. I mean, I think that's another  
15 alternative.

16 MR. HAYWARD: What I'm saying is that  
17 501 (3) (c) that you talk about, they're not  
18 expensive to originate. Anybody can -

19 MR. GUERINO: No, you can do that -

20 MR. HAYWARD: Yes, two or three  
21 thousand bucks -

22 MR. GUERINO: That's right, I was  
23 figuring \$5,000 and then you've got your -

24 MR. HAYWARD: But the point is does



1 the Town want to be in the business of running a  
2 television studio, and whatever the entity is,  
3 the 501 (3) (c), who is going to put their - who  
4 is going to be the entity that has this 501 (3)  
5 (c), the -

6 MR. GUERINO: It would have to be a  
7 board of directors. Under the laws of the  
8 Commonwealth if you have a 501 (c) (3), you have  
9 to have a board of directors, you have to have  
10 bylaws, you have to have - and then you have to  
11 file with the Secretary of the Commonwealth your  
12 financials on an annual basis.

13 MR. HAYWARD: Right.

14 MR. GUERINO: Mr. Pickard.

15 MR. PICKARD: I'm not sure, I think  
16 Mr. Barlow indicated that we're probably on our  
17 own, but knowing that there are other towns in  
18 similar circumstance, you know, it might be  
19 worthwhile if we were looking - I mean, we do  
20 regional weights and measures, we have, you  
21 know, maybe it's something to investigate.

22 MR. GUERINO: There was some  
23 discussion a couple years ago in the town of  
24 Sandwich approaching us as they went forward

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1 any local government, you know. It's Time  
2 Warner, it's not Comcast. But when I asked one  
3 of your superiors why Comcast was so expensive,  
4 they couldn't answer me, but -- at the time.  
5 You know, this was my thought right now: if the  
6 burden is going to shift, can we as subscribers,  
7 you know, if we know that a non-profit with the  
8 Town is going to pick it up, can we expect  
9 whatever the percentage is of our Comcast bill  
10 that now covers this, can we expect that to be  
11 reduced?

12 MR. GUERINO: No, I think I've said  
13 earlier that whether if they closed the office  
14 or if they - the negotiation of fees to run this  
15 entity will be something that the Cable Advisory  
16 Committee, the Board of Selectmen and Comcast  
17 will enter into some time after the first of the  
18 year.

19 MR. BARLOW: Yeah, but what I'm saying  
20 is -

21 MR. GUERINO: I get your point.

22 MR. BARLOW: - let's say 15 percent of  
23 my bill goes to cover the local studio. Say 15  
24 percent of my bill did and 15 percent of all the

1 subscribers did, if a private entity, a 501 (c)  
2 (3) or the Town is going to have to pay this 15  
3 percent, can I expect my Comcast bill to go down  
4 15 percent?

5 MR. GUERINO: I can't answer that  
6 question.

7 MR. BARLOW: Okay, just wondering.

8 MS. O'KEEFFE: I can't answer it,  
9 either.

10 MR. BARLOW: I can't expect it; I  
11 don't know if it's going to happen.

12 MR. GUERINO: Mister -

13 MR. FORD: I think I understand; he  
14 brings up a good point. If they're funding an  
15 office over here, that's got to be costing -  
16 it's got two employees in it, the heat, rent and  
17 all that, so I imagine they have 90,000 up  
18 there. They probably have 140,000 down here.  
19 So they've got about probably 250, maybe 300,000  
20 in the town.

21 If they get out of the business, it's  
22 \$300,000 that they're making more in profit that  
23 they should be able to put towards offering the  
24 Town something to take care of that, and without

1 going up in the consumer's price. Because, if  
2 you close down, you're going to save, I imagine  
3 that employee's going - they've got three  
4 employees there. Two and one, right? At the  
5 studio? They all work for Comcast, they get  
6 medical coverage and all that. So they're going  
7 to be saving all this money and then they've got  
8 the rent of the building. Or, if they own the  
9 building, it's still heat and all that. So  
10 there's a lot of money involved here.

11 So, when you're negotiating, they're  
12 taking all this into consideration. But there's  
13 something on the table that maybe we can put it  
14 towards a studio and not go up on the rates.  
15 You know, there is a tradeoff there, because  
16 they are -

17 MR. SCHOFIELD: That's what the  
18 negotiations are all about.

19 MR. FORD: Right. So I think that  
20 there's a tradeoff there. I think if you could  
21 come up with a couple of hundred thousand, you  
22 could have a real good studio. And if you did a  
23 regional approach, it could be better. But we  
24 have a pretty good setup where we got a school

1 that makes the room and everything and they also  
2 teach it in the school. So I think we've got a  
3 good partnership like where it is now.

4 MR. GUERINO: The current studio that  
5 we have at the high school, I've spoken with  
6 Diane, is adequate and it does the job that we  
7 need it to do. The equipment we keep upgrading,  
8 but that's something that we're going to talk  
9 about when we get into the negotiation phase of  
10 this, as well.

11 We have been utilizing a Peter Epstein,  
12 who is the cable T.V. guru of lawyers for that,  
13 and Bob Troy is aware of it, although we haven't  
14 - we're working with the County to get that  
15 funded. The County funded a big chunk of that  
16 for the other towns in the consortium, and  
17 because we were a couple of years later, we  
18 didn't fall into the same negotiating period  
19 that the other towns did, so we're working with  
20 Mark Zielinski right now at the County in an  
21 effort to get some funding to help us with that  
22 so it's not coming out of the municipal end. We  
23 put a little bit out with counsel's knowledge  
24 and consent on that, but we're looking to the

1 County to help us with that, too.

2 And he's very good. We'll come in,  
3 he'll do a session. He did a session for the  
4 CATV committee and he'll - before we get into  
5 the meat of it, we'll bring Mr. Epstein in to  
6 meet with the Board of Selectmen and the Cable  
7 Committee together so that we know exactly where  
8 we're going to go.

9 Mr. Mulvey.

10 MR. MULVEY: The local office of  
11 course is an issue and a great convenience; no  
12 question about it. But if they close that, if  
13 you think we'll get anything out of it, I think  
14 you're mistaken. They're just going to say,  
15 "Oh, we closed it for efficiency and we really  
16 haven't gained anything. We've moved the  
17 employees up to Plymouth, so there's no savings  
18 there", and you'll end up with a big song and  
19 dance and get nothing for it.

20 MR. GUERINO: I think I -

21 MR. MULVEY: So forget that.

22 MR. GUERINO: Yeah, I think I  
23 mentioned that earlier.

24 MR. MULVEY: No. Beyond that point,

1 would you clarify for me two things. We don't  
2 keep the local studio, but we do. If we don't  
3 go for the private/public thing, whatever, what  
4 do we end up with?

5 MR. GUERINO: I haven't even  
6 envisioned the Town not doing that, or the non-  
7 profit not doing that, or some entity not  
8 carrying on. I don't have an answer for you,  
9 Mr. Mulvey, I'm not qualified to tell you that.  
10 I think, you know, do the cameras go black?  
11 You know.

12 Bob?

13 MR. SCHOFIELD: Yeah, I don't, this --  
14 Mary, correct me if I'm wrong, but this hasn't  
15 happened anywhere in the system, yet. All the  
16 towns have made it work, one way or the other,  
17 when they transitioned from Comcast handling it  
18 into the Towns handling it. Whether it be a  
19 multi-town deal or it be a single town deal.

20 But to answer your question, if we drop  
21 the whole thing, we will not have those three  
22 channels. We have access to the channels, but  
23 you won't get anything on them.

24 MR. MULVEY: I think that answers



1 that. So they're not obligated to take and keep  
2 local affairs on the local channels?

3 MR. GUERINO: No.

4 MR. MULVEY: They're only obligated to  
5 make them available to us?

6 MR. SCHOFIELD: Available. Right.

7 MR. GUERINO: They're obligated as  
8 much as we negotiate that into the contract. I  
9 think that's the way I understood.

10 Sir, in the back, anything?

11 MAN IN THE BACK: Me?

12 MR. GUERINO: Yes.

13 MAN IN THE BACK: No, I'm just  
14 observing, thank you.

15 MR. GUERINO: Thank you.

16 Sir..

17 MR. SANNA: I came because I saw this  
18 meeting posted.

19 MR. GUERINO: And could you just state  
20 your name for the record?

21 MR. SANNA: John Sanna.

22 MR. GUERINO: Thank you, sir.

23 MR. SANNA: I try to stay away from  
24 these things, but this piqued my interest and

1 'curiosity. It's probably irrelevant, but I'm  
2 assuming this lady has something to do with  
3 Comcast.

4 MR. GUERINO: She is our Regional  
5 Director.

6 MR. SANNA: Okay -

7 MR. SCHOFIELD: Government Affairs  
8 Director for Comcast.

9 MR. FORD: She doesn't take any of  
10 this personal, though.

11 MS. O'KEEFFE: Oh, no.

12 MR. SANNA: I don't know the  
13 intricacies of what's being discussed, however I  
14 do know my own personal point on this, and that  
15 is: I came down here tonight to hopefully ask  
16 somebody to see if they could answer billing,  
17 and the phase of billing. You get a Comcast  
18 bill out of I don't know if it's New Jersey or  
19 where the heck it comes from. The billing date  
20 is, say, the 3<sup>rd</sup> of June; you're going to get it  
21 the 15<sup>th</sup> of June; they want their payment by the  
22 23<sup>rd</sup>. And I've gone into Town Hall to file  
23 complaints against that; it doesn't mean  
24 nothing. And Comcast to me is one big green-

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11 MR. GUERINO: There is a senior  
12 citizen discount, I believe, on the Basic cable  
13 offering.

17 MR. GUERINO: Yeah, again, I don't  
18 have any answer to that question and I know Mary  
19 can't answer that specifically but I know she  
20 can bring that back to the company and see what  
21 that may be.

MS. O'KEEFFE: Once the hearing closes, because it's really not pertaining to the ascertainment of the cable lease for the

1 Town, I'd be glad to answer your question.

2 MR. GUERINO: Mr. Barlow, sir.

3 MR. BARLOW: Is the Town of Bourne  
4 locked into Comcast or can you solicit bids from  
5 other competitive --

6 MR. GUERINO: Well, let me go back a  
7 couple of years. This Town was one of the very  
8 few towns in the Commonwealth that supported the  
9 Cable Competition Bill. I was the only public  
10 official at the hearing in the Gardner  
11 Auditorium that supported the Cable Competition  
12 Bill, and I believe the Board of Selectmen made  
13 the appropriate decision to support that  
14 legislation. The City of Cambridge did not  
15 think very kindly of us.

16 But we were, a couple of years back,  
17 prior to the economy hitting the skids, were  
18 working with Verizon. We had a cable - set of  
19 cable books, if you will. We had gone as far as  
20 asking to waive the public hearing notice for  
21 the public good through the Commonwealth and  
22 were prepared to begin discussions with Verizon  
23 as well. That still, I believe, once Verizon -  
24 Verizon stopped a lot of their capital build-out

1 that they were going to plan when the economy -  
2 they slowed that down a little bit around here.  
3 They were prepared to use Bourne and go to both  
4 sides of the bridge. They had some issues with  
5 the Corp of Engineers; they got that  
6 straightened out, as far as coming across the  
7 bridge. John had worked on that, as well, the  
8 Chairman. And my discussions with Joe Zukowski,  
9 who's the Government Affairs Director for  
10 Verizon in Massachusetts, is they are not right  
11 now in the expansion mode for that type of  
12 thing.

13 However, this hasn't been brought up to  
14 the current Board of Selectmen given there's  
15 been no activity from Verizon. But if there  
16 comes a point where Verizon starts moving that  
17 forward again, I would bring it to the Board of  
18 Selectmen and if they wanted me to take another  
19 run at it, we would do that.

20 Mr. Mulvey.

21 MR. MULVEY: The practical viewpoint  
22 is if Verizon or anybody else wanted to come in,  
23 they would have to either re-cable the Town or  
24 buy out the Comcast system and renegotiate pole

1 space.

2 MR. GUERINO: No.

3 MR. MULVEY: It's almost -

4 MR. GUERINO: No.

5 MR. MULVEY: - impossible to happen.

6 MR. GUERINO: No. No, that's not what  
7 would happen. They would be able to run their  
8 own fiberoptic.

9 MR. MULVEY: Yeah, re-cable.

10 MR. GUERINO: All right, they would  
11 not buy out Comcast. It would be a competitive  
12 situation between any of the companies. It could  
13 be Joe Smith Cable. It doesn't have to - you  
14 know, we're talking the two big guys, right now.  
15 And there would have to be some sort of an  
16 agreement as it relates to public access.

17 Now, Comcast provides through our  
18 negotiations three channels. And this really  
19 doesn't have anything to do with the  
20 ascertainment, but - three channels. We would  
21 negotiate three channels with Verizon, they  
22 would run the same programming. How that works  
23 out between the two, I don't - that's beyond my  
24 knowledge base. The channels may be different.

1           Instead of 13, 14, 15, or whatever they are  
2           here, they may be 22, 23, 24 in the Verizon, but  
3           it would be the same programming.

4           MR. MULVEY:     How would they get it to  
5           the customer?

6           MR. GUERINO:    Through -

7           MR. MULVEY:    They don't have - it's  
8           Comcast's cables.

9           FROM THE FLOOR:   Telephone.

10          MR. GUERINO:    Well, it would have to  
11          be -

12          FROM THE FLOOR:   Their own.

13          MR. GUERINO:    No. Well, it would be  
14          their own cable, but there would an agreement  
15          that they've done this in other areas where  
16          there's more than one company providing service.  
17          They don't have three or four different sets of  
18          studios and three or four different sets of  
19          programming. It's one set of programming and  
20          there's something worked out between the parties  
21          and I don't -

22          MR. FORD:       Doesn't it get in through  
23          the phone lines?

24          FROM THE FLOOR:   Well, Verizon would

1 do that.

2 MR. FORD: Yeah, they don't have to  
3 string any up.

4 MR. GUERINO: Unless they were to  
5 bring in the fiberoptic, but that's getting  
6 beyond the scope of this hearing because we're  
7 only really here for ascertainment on the  
8 current provider and what the Town may look to  
9 the current provider to change or provide or  
10 extend.

11 You know, there aren't many areas in  
12 town that aren't now connected, but we do have  
13 some issues up on the Plymouth line where people  
14 hook onto cable up on the Plymouth and they get  
15 the Plymouth local access because of where the  
16 trunk is, and that type of thing.

17 Those are things we can think about.

18 Putting more underground as they  
19 rebuild, those are some of the other things that  
20 we'd talk about, as well.

21 John.

22 MR. FORD: I think the point that was  
23 just make it for negotiations. Until we get  
24 competition, we really don't have much to



1 negotiate.

2 MR. GUERINO: Well, there's a  
3 substantial variation and John or Mr. Schofield  
4 or Kay or Diane, help me out here, there's a  
5 substantial amount of - maybe we can go up to 6  
6  $\frac{1}{2}$  percent or 5  $\frac{1}{2}$  percent?

7 MS. DONOVAN: Five percent.

8 MR. GUERINO: Five percent. We're  
9 currently not at the five percent of what comes  
10 through, but Mr. Barlow's right: whatever we  
11 negotiate is going to be passed on to the  
12 consumer. I mean, if we go five percent instead  
13 of three percent, that two percent is going to  
14 end up being passed on.

15 You know, but we have - and that's a  
16 delicate issue that the elected officials have  
17 to determine, is what is palatable and not.

18 Hold on just a second.

19 Mary, am I missing something with that?  
20 Did you say something about -

21 MR. MEALY: This sounds just like the  
22 discussion we had last night on the Quinn bill.

23 MR. GUERINO: It's all on you guys, is  
24 really, and the Cable Advisory Committee.

1 Mary, is there anything I'm missing,  
2 with that?

3 MS. O'KEEFFE: No, you're right. And  
4 that's why we're trying to - you're trying to  
5 ascertain the community needs and interests and  
6 also the associated costs with those needs, and  
7 that's the second part of the equation.

8 MR. GUERINO: Right.

9 Mr. Barlow.

10 MR. BARLOW: So, if we get all high  
11 tech, why don't we just set up a camera here and  
12 just put it out over online on the computer,  
13 just www.townofbourne and just the hell with the  
14 cable? Can you not negotiate with the cable and  
15 go in a different direction?

16 MR. GUERINO: We're required under the  
17 federal Cable Act to negotiate a contract for  
18 the next ten years.

19 FROM THE FLOOR: Why so long?

20 MR. HAYWARD: Ten years?

21 MR. GUERINO: And again, that is not  
22 up to me. That is the way the law is.

23 MR. BARLOW: This is not about  
24 Comcast; this is about any cast.

22 MR. GUERINO: In many states, it's the  
23 state that does the cable contract for all the  
24 municipalities in the state and there's very

1 little for the towns to discuss, other than  
2 perhaps build-out issues. In some other states,  
3 it's the county, because the county government's  
4 stronger. There's very few states left where  
5 it's individual towns that have the ability.  
6 I'm not saying it's good or bad, I'm just saying  
7 that's a fact.

8 MR. BARLOW: But it's expensive.

9 MR. GUERINO: It's expensive.

10 MR. FORD: But, just to close one  
11 thing. Just tell me what you -- I know you're  
12 going into negotiations. What would you like to  
13 see come out of this, Robert?

14 MR. SCHOFIELD: I'd like to see a  
15 transparency, as far as our constituents are  
16 concerned, that we don't see any change, only  
17 for the better. Have a better studio, have a  
18 better staff and better equipment than we  
19 presently have. I'm not saying that we don't  
20 presently have good equipment and have a good  
21 staff; they do an excellent job when you look at  
22 what some of the other communities do down the  
23 Cape. We do an excellent job.

24 It's our job to try to negotiate the

1 best that we can for our Town and our  
2 constituents so that we continue what we have  
3 today. And I think this can be done. I've  
4 looked at what some of the other communities on  
5 the Cape have done in the last three or four  
6 years, and some of the towns had a harder job  
7 than others because they didn't have as much to  
8 work from. But everybody pretty much came out  
9 whole, and I think we can do the same thing  
10 here.

11 MR. FORD: Did the rates go up?

12 MR. SCHOFIELD: I can't answer that,  
13 John, because the rates - I went to the state  
14 once I got on this committee to try to get to  
15 the bottom of the not so much the rates but what  
16 we could do, and I was told very nicely, "You  
17 just answer the complaints. You try to keep  
18 your constituents happy the best that you can."

19 But we have no say on the programming.  
20 We went through this three years ago when  
21 Comcast was trying to align their system  
22 throughout the system where we were Adelphia,  
23 and there was I think three towns on the Cape  
24 and on the Vineyard which were entirely

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MR. GUERINO: One of the other points that I'd like to make, and then Mr. Pickard and Mr. Mulvey, is when corporate I'm sure -- and I'm not -- you know, I don't work for Comcast, I don't really know much about Comcast, but when they decide they're going to raise rates or change rates or change programming, it's not based on one town's negotiation on an ascertainment over the next 12 months. I mean, they're national, multi-net, they're looking at this in a much broader spectrum than what the Town of Bourne does or what the Town of Sandwich may do when they look at their rate structures. It's not specifically targeted at what one community would do that way. They look at it at a much broader cost-benefit analysis than what they're doing. I don't think we play into the equation, per se, as, "Oh, Bourne's going to get

1 this; we're going to kick the rates up by this."  
2 I don't think it works - I'm pretty sure it  
3 doesn't work that way.

4 Mr. Pickard.

5 MR. PICKARD: I'm sorry. You  
6 indicated that we are required to enter into a  
7 contract because of federal law for a ten year  
8 period?

9 MR. GUERINO: The contract periods are  
10 ten years.

11 MR. PICKARD: Can we do less?

12 MR. MULVEY: Mandated?

13 MS. O'KEEFFE: They can be less.

14 MR. GUERINO: They can be less.

15 MS. O'KEEFFE: It's the maximum in the  
16 state of Massachusetts for ten years for a  
17 renewal license.

18 MR. PICKARD: So if the Town of Bourne  
19 decided, or the Selectmen and the Cable Advisory  
20 Committee did not want to go for ten years,  
21 obviously the rate would be increased, depending  
22 on by the current provider unless we can find  
23 Fred's Cable from Poughkeepsie wanted to come in  
24 and rewire the whole place and compete, correct?

1 MR. SCHOFIELD: Correct.

2 MR. PICKARD: It's pretty unfortunate  
3 our feet are held to the fire for a period of  
4 time of ten years, especially when there appears  
5 to be no competition out there at present.

6 MR. GUERINO: I don't know of Towns  
7 that have done it for less than ten, but there  
8 certainly I'm sure are some out there.

9 MR. FORD: But even though you sign  
10 the contract, it doesn't mean next year that the  
11 telephone company couldn't come in, or another  
12 cable company.

13 MR. GUERINO: Right. So we were in  
14 the middle of our - it's not exclusive. We  
15 were in the middle of the agreement, really, it  
16 was in the fifth or sixth year of the agreement  
17 with Comcast when this cable competition thing  
18 came forward and we started working with  
19 Verizon, so I mean -

20 MR. FORD: You get 9,000 customers  
21 services -

22 MR. SCHOFIELD: No, 7379.

23 MR. FORD: How many homes do we have,  
24 14,000?



1 MR. SCHOFIELD: No, 10,263, I had two  
2 years ago.

3 MR. FORD: Okay.

4 MR. SCHOFIELD: As an unofficial  
5 number, but I don't think it's changed a lot,  
6 John.

7 MR. PICKARD: I have to figure if Mr.  
8 Mulvey just indicated that his bill is \$65 -

9 MR. MULVEY: 62, yeah.

10 MR. PICKARD: 62, and I know that  
11 mine, because I have my Internet as well, so  
12 basically it's 140, say the average is \$100 a  
13 month, that's - my math is difficult without  
14 having a calculator -

15 MR. BARLOW: Probably 93 grand a  
16 month.

17 MR. PICKARD: 93 grand a month. I  
18 wonder what the Town could, you know, bring in  
19 their own, bring in their own satellite dish and  
20 string their own cable company. Not that that's  
21 the business we want to get into, but -

22 MR. FORD: We could put a satellite up  
23 at ISWM.

24 MR. SCHOFIELD: Just as an aside, and

1 again this really doesn't pertain to what we're  
2 talking about, but we are talking about the  
3 subject here tonight, with what Tom has already  
4 stated with Verizon, I went further on this and  
5 the reason that Verizon was at all interested in  
6 coming into Bourne is because they're on both  
7 sides of us, and they had it in their budget  
8 that they could fund Bourne easy enough to be  
9 able to have competition here.

10 They have no desire to go on the Cape  
11 because of the seasonality. The biggest problem  
12 that all of these cable companies have is cost,  
13 and getting that cost on a pay-back basis.  
14 Bourne probably only increases their population  
15 by ten or fifteen thousand in the summer, but  
16 you go down Cape and there's no way they're  
17 going to put -- they've all got to go to fiber  
18 optics, no matter how you cut it, because if  
19 they're going to put the system in, they're  
20 going to give you the first class service, and  
21 that's what FIOS is and what Verizon wants to  
22 do.

23 It was brought up at the Selectmen's  
24 Meeting last week with another member of the

1 community asking why we're not looking at RCN,  
2 and RCN is a competition in Boston because  
3 they've been able to work something out.  
4 They're coming on the Cape and are going to put  
5 in Wi-Fi under a federal grant of some \$70  
6 million and they'd be the perfect party.

7 But I talked to somebody, I didn't talk  
8 to RCN directly, but I talked to somebody in the  
9 know on that and they said they have no desire  
10 to put any cable in down the Cape.

11 MR. GUERINO: You have to look at the  
12 distance of lights - how much dust builds  
13 between light bulbs. That's, you know, how much  
14 - the further down Cape you get, the more rural  
15 it gets, the less cost effective it gets for a  
16 company to string up cable, cable or fiberoptic  
17 or whatever. The more light -- the more dust  
18 between light bulbs.

19 The Verizon piece, yes, it was that, it  
20 was also that there'd been a long-term  
21 relationship with Verizon in other areas that  
22 they were willing to take a chance down here.  
23 But the economy went; that's not happening right  
24 now.

Mr. Barlow.

MR. GUERINO: I don't know what you mean.

MR. BARLOW: There's not any young people here, and it may behoove the Cable Advisory Committee to bring in a couple of young technical kids from high school or college and pick their brains about what they think and what the future is, because the future may not be cable. It may be exactly what Mr. Pickard's saying. It may be, you know, tie into a satellite and do your stuff online. You know,

1 it just may be a lot more practical than  
2 stringing lines all over the place, because it's  
3 becoming passe.

4 So, my suggestion would be that maybe  
5 the Cable Advisory Committee should get a hold  
6 of some of these technical geniuses that are in  
7 their twenties and have a conversation with  
8 them. Because, you know, they're way over my  
9 head. I talk to them once in a while and they  
10 lose me, but they know what the future is, and  
11 we're still clinging to the past.

12 MR. GUERINO: Mr. Mulvey.

13 MR. MULVEY: Not to prolong that, but  
14 most of us -- number one, I don't have cable.  
15 When I say 62, but that's basic expanded.  
16 That's a pretty minimal service, and no more  
17 senior break, either, I understand right?  
18 Where we used to get a senior rate.

19 MR. SCHOFIELD: Oh, yes.

20 MR. MULVEY: That's something you  
21 might want to look into.

22 MR. SCHOFIELD: No, we've got a senior  
23

24 MR. MULVEY: So, 62 bucks for what I

1 really watch is about ten channels. The other  
2 90, forget it. But anyway, one more thing, most  
3 of your service it may be on the optic lines,  
4 but most of them at Verizon goes into either  
5 copper or copper-coated steel into the house.  
6 Comcast is at least coaxial everywhere,  
7 including into the house. That's why I say  
8 Verizon is into some heavy money to come in.

9 But, beyond that, like I mentioned  
10 before, the time frame we have to operate. I  
11 see a dozen people here; we're heading into a  
12 budget year 12 that the selectmen know you're  
13 going to have a bomb if you're talking 100, 150  
14 thousand dollars. There are 12 people here; if  
15 this is going to have to go to the public, then  
16 Cable Committee or somebody had better get to  
17 the press, pull up the transcript that you're  
18 going to have, put together all the questions  
19 that came up tonight and the answers and have a  
20 comprehensive publication out there if this is  
21 going to have to go to Town Meeting, because if  
22 you're in Town Meeting and you try to answer  
23 questions that you got tonight at a Town  
24 Meeting, you're going to have a problem. You'd

1 better do some PR work and get information out  
2 to the people now and decide what you're got for  
3 a time frame.

4 MR. GUERINO: Mr. Mealy.

5 MR. MEALY: As a member of the board  
6 which will ultimately be involved with  
7 licensing, I think a couple of things that came  
8 to light tonight. One is I think we should look  
9 into regionalization. I think we should contact  
10 neighboring towns and find out even if they're  
11 several weeks or months or years ahead of us on  
12 their contracts, we should talk to them. I  
13 think we should talk to the other towns also to  
14 find out what experiences they've had in  
15 negotiating their cable contracts.

16 And I also don't understand why it's  
17 going to take over a year to do this, because if  
18 other towns have already done it, we're talking  
19 to the hot dog of cable lawyer stuff in downtown  
20 Barnstable, I got to believe that this could be  
21 sewn up and done by the end of August. It  
22 doesn't sound like we have a whole lot to say  
23 about anything, anyways.

24 So, I would like to have information

1 about what other towns have done.

2 MR. GUERINO: Well, that's fine.

3 MR. MEALY: Do we have an opportunity  
4 to join other towns and can we get involved with  
5 a town that already has a [inaudible]. We  
6 haven't talked about that, but -

7 MR. GUERINO: What was that? I'm  
8 sorry.

9 MR. MEALY: Couldn't we get involved  
10 with a town that already has a signed contract?  
11 And just going back onto their contract?

12 MR. SCHOFIELD: This is basically what  
13 this Peter Epstein does. All these contracts  
14 are very, very close and very similar to each  
15 other.

16 MR. MEALY: I would imagine they're  
17 probably just a change in the date and the time  
18 and the people.

19 MR. SCHOFIELD: They are to a great  
20 extent. Where you get into a differential is  
21 some of the issues that we're bringing up about  
22 taking over the local studio.

23 MR. MEALY: That sounds like a five  
24 minute discussion about what are we going to do



1 and how much are we going to charge the  
2 ratepayers on their bills as part of an  
3 additional fee. I don't think that really has a  
4 whole lot to do with Comcast.

5 MR. SCHOFIELD: Well -

6 MR. MEALY: Because all they're going  
7 to do is collect.

8 MR. GUERINO: We don't - Mr. Mealy,  
9 just to be clear, the Town won't have a - Mary,  
10 again correct me if I'm wrong - there won't be  
11 Town of Bourne fee on the bill. It's all -

12 MR. FORD: Finance fee. There's a  
13 fee, she mentioned it.

14 MR. GUERINO: Right.

15 MR. FORD: So there is a -

16 MR. GUERINO: A franchise fee.

17 MR. FORD: So that is a Town of Bourne  
18 fee; it's going to be negotiated.

19 One question I have, though, you know,  
20 this is something we've got to get out to the  
21 public. There's no press here today and we're  
22 not televised. Why are we not on Comcast?

23 MR. GUERINO: We thought we would be.  
24 That's why we had it here and not at the Middle

1 School.

2 MR. FORD: Is this a conspiracy by  
3 Comcast? I'm not trying to get anything going.  
4 [Laughter.]

5 MR. GUERINO: They're doing tonight,  
6 the School Committee is doing this new report  
7 card, that's why they're over there. They had  
8 to choose their apple tonight and they chose to  
9 go over there. They didn't have the staff or  
10 the volunteers to do this meeting as well.

11 Mr. Pickard.

12 MR. PICKARD: I think before we get  
13 involved in a ten year contract, we need to have  
14 a lot more public outreach for this. And,  
15 based upon my primitive math, taking Mr.  
16 Mulvey's bill of 60 and mine of 140, if the  
17 average bill in the Town of Bourne is a hundred  
18 dollars, that's \$737,900 in user fees per month  
19 just in the Town of Bourne. Times twelve  
20 brings it up probably close to \$9 million a year  
21 in a town this size. You have Barnstable which  
22 is larger, Yarmouth, Falmouth, I mean certainly  
23 we need to collaborate, I think.

24 Your colleagues and your Cable Advisory

1 Committees should get together and start using  
2 some of this basic math that figures up to a  
3 heck of a lot of money to maybe negotiate with  
4 Comcast or get some other Fred's Cable from  
5 Poughkeepsie who might want to come in and take  
6 over the entire county for a lesser fee, I don't  
7 know.

8 MR. FORD: Or somebody can put up a  
9 satellite.

10 MR. PICKARD: Or, for that matter,  
11 maybe the county can put a satellite right upon  
12 MacArthur Boulevard somewhere. I know there's  
13 empty parcels and we can just shoot it out.

14 MR. GUERINO: One of the things that -

15 MR. PICKARD: I don't know, it's all  
16 about thinking about things and I hate the term  
17 "outside the box", but you've got to think -

18 MR. GUERINO: Sandwich undertook an  
19 agreement with UMass Dartmouth. They did a  
20 survey that UMass Dartmouth marketing group put  
21 together. I talked to Bud; we're going to get a  
22 copy of what they did. That was funded through  
23 the county, I believe, and that's one of the  
24 things we're talking to Mark Zielinski about, is

1 getting us some of the funding because we were  
2 behind - we're not behind, but our contract was  
3 later than the other communities. We can pick  
4 on their expertise, how they went through their  
5 piece, but we're going to need some cash and  
6 it's something that the County I believe will  
7 come forward with.

8 MR. BARLOW: As big as Barnstable is,  
9 it's not alone. You've got Barnstable,  
10 Yarmouth, Dennis, it's all channel 3, it's all  
11 right - it's a huge conglomeration. And  
12 Falmouth, too, Falmouth's not tied to Mashpee,  
13 but Falmouth has Woods Hole, and Woods Hole  
14 generates a tremendous amount of time for cable,  
15 and they kind of take care of it and there's a  
16 lot of money involved and there's a lot of  
17 interesting subjects, and they keep that going.

18 Mashpee, you know, not much going on.  
19 Head down Cape in Orleans, you know, it  
20 struggles, it really struggles. It's a small,  
21 small studio, small operation.

22 You know, I don't know what's going to  
23 happen to Bourne. Like, you know, Steve's idea  
24 of talking to other towns, you know, maybe

1 somebody would partner up with us and it would  
2 help. It's not a bad idea, but I don't know  
3 what we're - we just don't have enough in this  
4 town on our own. I mean, you've got the  
5 Selectmen, you've got a couple of other shows,  
6 we've got, you know, Phil Goddard. It's just  
7 not enough to keep it going. You know?

8 MR. FORD: Can we put our own  
9 commercials on those stations and kind of -

10 MR. GUERINO: Well, actually, the Town  
11 of Falmouth tried to do that. I don't know what  
12 the outcome was. At their Town Meeting, they  
13 were running banners along the live cable feed.  
14 They were trying to collect a fee for that but  
15 that didn't go over very well down there, I  
16 know. It was entrepreneurial, but I'm not sure  
17 it was well appreciated.

18 You know, towns like Barnstable, I know  
19 towns where there are community colleges, the  
20 community colleges add a lot to the programming.  
21 You know, there's a lot going on at those  
22 places, they offer various things online.

23 So, and Don's right, we've got to think  
24 creatively. We've talked - you know, we've

1 talked about going up to Plymouth to see what  
2 they've done. That was two meetings ago, I  
3 believe. And this was a while ago, but we've  
4 had some conversation with Sandwich and they  
5 were looking for new space. So, there are  
6 options out there, as well.

7 MR. FORD: We've also got the MMA and  
8 we've got the base. You know, there are two  
9 places that we could see about getting some  
10 help.

11 Now, does the MMR have their own cable?

12 MR. GUERINO: I don't know, John. I  
13 don't believe they have their own setup out  
14 there, do they?

15 MR. MEALY: I think we should do  
16 something with them, anyway.

17 MR. FORD: They have their own  
18 channel.

19 MR. GUERINO: They have their own  
20 access channel.

21 Mr. Mulvey.

22 MR. MULVEY: Well, we're right down to  
23 whether or not the town wants to maintain a  
24 local studio and production. That's where it's

at, right?

MR. GUERINO: That's part of it.

MR. MULVEY: Well, other than the office.

MR. GUERINO: That's part of it, too.

MR. MULVEY: What's the third one?

MR. GUERINO: It's franchise fees.

It's, you know, there's a number of things as far as what the Town charges, how much they're going to ask for a franchise fee, those type-

MR. MULVEY: Okay.

MR. GUERINO: There's a lot of things

MR. MULVEY: That's where I was going. You know, this is productive and useful but, going forward, I would think we have to get right down and determine what it is cost -- what the cost is to date to run that studio and the programs that we have.

MR. GUERINO: About \$89,000 today.

MR. MULVEY: Based on what? In other words, you have the studio that's in a school. The school board may decide, "Hey, baby, that's our space. We're going to rent it to you if

1 it's a private/public operation. Not a Town  
2 operation." Okay? That is a factor of cost,  
3 possibly -

4 FROM THE FLOOR: It's a private  
5 operation now.

6 MR. GUERINO: That's right, it's not a  
7 Town operation now.

8 MR. MULVEY: That's right, but it is  
9 going to change.

10 MR. GUERINO: Right, but there's no  
11 fee for that facility to a private company now.  
12 I don't think that the School Department -

13 MR. MULVEY: But that can't be assumed  
14 in the future. The whole ball game's changing.  
15 But skip that for the moment.

16 So, then you've got utilities. Okay?  
17 You've got the power and so on and so forth.  
18 You've got the equipment and maintenance of the  
19 equipment.

20 MR. GUERINO: That's in there..

21 MR. MULVEY: You've got the personnel.

22 MR. GUERINO: That's in there.

23 MR. MULVEY: The wages, the benefits.

24 MR. GUERINO: That's in there.



1 MR. MULVEY: So you've got some kind  
2 of a labor contract you're going to have to get  
3 into there. You know, all of these things have  
4 to be resolved before you can talk intelligently  
5 about this to the public where it's going to  
6 have to go.

7 MR. GUERINO: Mr. Ford.

8 MR. FORD: I think what it gets down  
9 to, you know, Jim, would you be willing to pay  
10 \$2 more on your bill a month to have a first  
11 class studio over there?

12 MR. MULVEY: Absolutely not.

13 MR. FORD: Okay -

14 MR. MULVEY: That's 62 bucks, but I've  
15 got about ten channels I watch now, and as I say  
16 I'm about ready to go to a I don't know Direct  
17 or satellite or whatever. Because I'm totally  
18 dissatisfied with Comcast, other than your  
19 personnel in the local office.

20 Totally dissatisfied, because over the  
21 years, not only have the prices gone up, up, up,  
22 they've taken and lessened what I have access to  
23 and if they've added something it's generally  
24 been things that I could care less about.

1 MR. HAYWARD: Spanish T.V.

2 MR. BARLOW: Yeah. One of the  
3 biggest things that - I don't mean to interrupt

4 -

5 MR. GUERINO: No, go ahead.

6 MR. BARLOW: - that was taken away, to  
7 a lot of people, and it happened when Comcast  
8 came in and Adelphia went out, was the menu.  
9 And people were really upset about that, and I  
10 know it's not negotiable. I know it's not  
11 negotiable. But the fact is, that people were  
12 unhappy.

13 Not with you, personally, but with  
14 Comcast, for taking that away. I mean, it was  
15 just a real convenient thing for the people in  
16 this town to have their menu there. It didn't  
17 seem like it cost a lot of money to have it  
18 there, but apparently it's Comcast's policy not  
19 to have a menu, so -

20 MR. GUERINO: Is this a menu that  
21 scrolls on the screen?

22 MR. BARLOW: Yeah.

23 MR. FORD: They still have it, Skip.

24 MR. GUERINO: They still have it.

1 MR. FORD: No, you have to get over a  
2 certain -

3 MR. MULVEY: No, it's on the expanded,  
4 Skip.

5 MR. BARLOW: You know, Jim might watch  
6 ten channels. I don't. I could care less  
7 about T.V. Diane likes to watch public  
8 programs, that's the only reason we have cable.  
9 Otherwise, wouldn't have it. Wouldn't even  
10 have it. It means nothing to me, you know?  
11 It's like reading the newspaper, you know?

12 MR. GUERINO: Anything else?

13 Mary, anything?

14 MS. O'KEEFFE: No.

15 MR. FORD: We appreciate your coming  
16 tonight, Mary, even though we picked on you. It  
17 wasn't you, personally.

18 MS. O'KEEFFE: - It was an education.

19 MR. GUERINO: This wasn't the hardest  
20 one you've been at, though?

21 MR. MULVEY: There's one thing, you  
22 know, that came up and we just touched on it.  
23 If Comcast divests itself of this 100,000 that  
24 we say it costs to run it per year, then

1 suddenly then it goes into their profit base and  
2 of course then that is a factor, I suppose, for  
3 the state to consider when they allow them to  
4 set rates.

5 MR. SCHOFIELD: The state has nothing  
6 to do with rates.

7 MR. MULVEY: We don't, no.

8 MR. SCHOFIELD: Our state has nothing  
9 to do with it. It's all in Washington.

10 MR. MULVEY: Federal?

11 MR. SCHOFIELD: It's all federal.

12 MR. MULVEY: So your negotiations -  
13 the negotiations now for this contract are with  
14 Comcast, right?

15 MR. GUERINO: Yes.

16 MR. MULVEY: But the rates are set by  
17 the feds?

18 MR. GUERINO: The rates are approved  
19 by the feds.

20 MR. MULVEY: What does the local state  
21 Department of Public Utilities cover?

22 MS. DONOVAN: Nothing.

23 MR. SCHOFIELD: Nothing.

24 MR. MULVEY: That's a revelation,

1 then. I thought that they had a say in this  
2 matter.

3 MR. SCHOFIELD: Well, they kind of  
4 watch things; isn't that pretty much what they  
5 do, Mary?

6 MS. O'KEEFFE: The only thing the  
7 state is responsible for is the basic service  
8 rate in towns that are regulated. Not all  
9 towns have the state regulate basic service.  
10 Anything else has nothing to do with the state,  
11 has nothing to do with the federal government.  
12 The federal government is not regulating rates.

13 MR. MULVEY: Now, are some are not  
14 regulated because the Town owns a utility?

15 MS. O'KEEFFE: No. Nothing to do with  
16 that.

17 MR. MULVEY: Why are some regulated  
18 and some not?

19 MS. O'KEEFFE: In some towns where  
20 there is what we call effective competition we  
21 petition the state to un-regulate the Town  
22 because there is competition, just as an  
23 example.

24 MR. FORD: Like Boston, probably

1 Boston. They, what, have four different service  
2 providers?

3 MS. O'KEEFFE: I don't know,  
4 specifically.

5 MR. FORD: Well, I think they have  
6 four service -

7 MR. MEALY: Let's join Boston. Let's  
8 bring our 7,300-

9 MR. GUERINO: With that comes a lot of  
10 other things, Mr. Mealy. I'm not sure that you,  
11 you know. If there's --

12 Mr. Schofield, I'm sorry.

13 MR. SCHOFIELD: I have one comment to  
14 make. It might just throw a little shed on what  
15 came up here with a couple of the Selectmen.

16 Joining another town. I talked to a  
17 couple of towns about this a couple years ago  
18 before we got into this process, because they  
19 were in it. And one of the biggest downfalls,  
20 and especially with a town like Bourne because,  
21 where we are geographically, the only economics  
22 are going to be to have one basic studio to  
23 cover the two towns or the three towns, and  
24 it'll be a major inconvenience for a Town like

1 Bourne to go to Sandwich or to go to Falmouth or  
2 go somewhere else to handle the studio work that  
3 we presently do here.

4 MR. PICKARD: We could do our shopping  
5 when we go there because we have no supermarket.

6 MR. GUERINO: Arghh!

7 MR. FORD: What if they came here,  
8 though, who has the better and the free studio?

9 MR. SCHOFIELD: Yeah, but that's one  
10 of the drawbacks of being on the edge of the  
11 cliff.

12 MR. PICKARD: But if you're sharing  
13 equipment and resources, and personnel. So say  
14 you get three towns in and one's Board of  
15 Selectmen meets Monday night, one meets Tuesday  
16 night and one meets Thursday.

17 MR. SCHOFIELD: This is what I came up  
18 against when I -

19 MR. MEALY: For instance, if Sandwich  
20 is looking for a place for their studio -

21 MR. GUERINO: Well, they were two  
22 years ago. But they've found a place since  
23 then.

24 MR. MEALY: Okay.

1 MR. GUERINO: They were ready at that  
2 point in time. We weren't even into the  
3 beginnings of this.

4 MR. FORD: Are they paying rent?

5 MR. GUERINO: I don't know what  
6 Sandwich is going, John.

7 MR. FORD: We probably should ask.

8 MR. GUERINO: I'm going to see Bud  
9 tomorrow and Friday at the Mass. Managers  
10 sessions up in Hyannis, so I'll see if we can  
11 pull something together.

12 MR. SCHOFIELD: We'll get some answers  
13 to some of the questions that were asked  
14 tonight.

15 MR. GUERINO: Yeah.

16 If there's nothing else - is there  
17 anything else? I don't want to shut this off  
18 before - Mr. Ford, anything more? Mister - no.  
19 Sir, in the back?

20 MAN IN THE BACK: No, just curious  
21 when the next hearing's going to be.

22 MR. GUERINO: That has not been  
23 determined yet. I don't know when that next  
24 will be. I know that the Committee's got to



1 meet with Mr. Epstein. I'm going to have  
2 Heather come up from Falmouth. So we've got a  
3 couple more - it's going to be within the next  
4 two months, but it's not scheduled at this  
5 point.

6 So, just for the record, if there is no  
7 further testimony, we'll conclude tonight's  
8 public hearing. The Board of Selectmen will  
9 keep the hearing record open for 14 days in  
10 order to receive any additional testimony.  
11 Interested parties are encouraged to submit  
12 written testimony on any renewal-related issue  
13 discussed tonight or regarding any cable-related  
14 issue.

15 For the record, written testimony or  
16 comments can be submitted by 4:30 on the 26<sup>th</sup>, so  
17 that's actually more than 14 days, about 21  
18 days. Those comments should be sent to the  
19 Selectmen's Office, Attention: Cable T.V..  
20 Comments, Bourne Town Hall, 24 Perry Avenue,  
21 Buzzards Bay, 02532.

22 Or if you have any questions related to  
23 tonight's hearing or the renewal process, call  
24 the Selectmen's Office at 759-0600, extension

1 503.

2 Mr. Ford.

3 MR. FORD: Tom, just one thing. Are  
4 you going to make a press release? I think  
5 somewhere -

6 MR. GUERINO: Yes.

7 MR. FORD: This wasn't televised. We  
8 should tell the consumers that they're talking  
9 about going up on their rates to support a  
10 studio, and it's in negotiations, and do they  
11 have any comments or ideas. Because I don't  
12 think anybody out there knows that this  
13 hearing's going for 14 days and they'd have a  
14 chance to have input into it. Other than what  
15 we said at the Selectmen's Meeting, and if we  
16 had this on tape, we could have been playing it  
17 all week.

18 MR. GUERINO: Right.

19 MR. FORD: But I think if you made a  
20 press release to the Enterprise, the Cape Cod  
21 Times -

22 MR. GUERINO: We can do that. Again,  
23 Mr. Ford, I wasn't aware until this afternoon,  
24 actually, that we weren't going to be taped

1 tonight because of the School Committee meeting,  
2 so -

3 MR. PICKARD: Can that press release  
4 also be read at each of our meetings?

5 MR. GUERINO: Yes, we can have that  
6 available for Tuesday night -

7 MR. PICKARD: Because we need to get  
8 this out.

9 MR. GUERINO: Right.

10 MR. PICKARD: One of the big things  
11 about when you say the picture could go blank,  
12 what immediately goes into your mind is as an  
13 elected official is that: there goes the  
14 transparency that everybody has been asking for.

15 MR. GUERINO: That's right. You're  
16 right.

17 MR. PICKARD: So let's get it out and  
18 make sure they know that we need to be - they  
19 need to send their comments in or whatever at a  
20 certain period of time.

21 MR. GUERINO: And finally, Mary, any  
22 closing comments for us? This is the best  
23 meeting you've ever attended in your life,  
24 things like that, or?

1 Thank you, gentlemen.

2 MS. O'KEEFFE: Just for the record,  
3 the criteria for granting the renewal license,  
4 there are four criteria the issuing authority  
5 must review in renewing Comcast's license. For  
6 the record, I'd like to briefly state our  
7 compliance with these criteria.

8 Comcast has substantially complied with  
9 the material terms of the existing franchise and  
10 with applicable law. The quality of our  
11 service, including signal qualities, response to  
12 consumer complaints and billing practices, has  
13 been reasonable in light of community needs.  
14 Comcast has the legal, financial, and technical  
15 ability to provide the services and to continue  
16 our services in the Town of Bourne, and Comcast  
17 will meet the future cable-related community  
18 needs and interests in the Town of Bourne.

19 Thank you.

20 MR. GUERINO: With that, we will close  
21 the hearing, and I thank those who took the time  
22 to come out this evening, thank the members of  
23 the Committee, and members of the Board of  
24 Selectmen and representatives from Comcast.

1 And Carol for taking care of us for tonight's  
2 hearing.

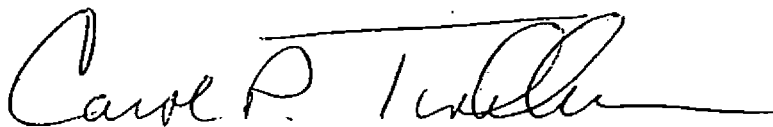
3 [8:25 p.m., whereupon, this matter ended.]  
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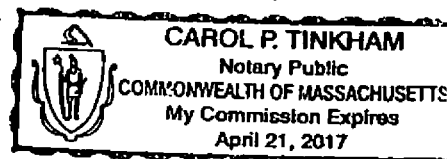
COMMONWEALTH OF MASSACHUSETTS  
COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of the Bourne, Massachusetts, Comcast Cable Ascertainment Public Hearing, taken by me on June 2, 2010. To the best of my ability the within transcript is a complete, true and accurate record of said Ascertainment Hearing.

In witness whereof, I have hereunto set my hand and Notary Seal this 7th day of June, 2010.



Carol P. Tinkham, Notary Public  
My Commission Expires:  
April 21, 2017



PLEASE NOTE: THE FOREGOING CERTIFICATION OF THIS  
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Cable Television Advisory Committee

Meeting of December 9, 2010

Bourne Town Hall – Upper Conference Room

4:00 P.M.

AGENDA

2012 FEB. 3. PM 3. 09  
TOWN CLERK'S OFFICE  
BOURNE, MASS.

1. Minutes
2. Discussion of Comcast RFP requirement
3. Other towns success (or not) ( Mr. Epstein)
4. Next steps
5. Discuss future agenda items
6. Adjourn

*1 1/2 hrs*

~~Thomas M. Guerino~~  
~~Mayor~~

\_\_\_\_\_  
Thomas M. Guerino  
Town Administrator

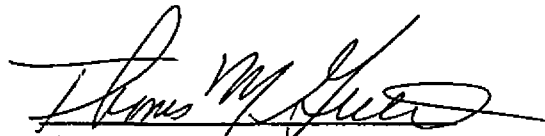
*Introduction  
to Peter going over process  
for renewal of contract together  
with Tom Guerino.*

2010 DEC 7 PM 1 39 Cable Television Advisory Committee  
TOWN CLERK'S OFFICE Meeting of December 9, 2010  
Bourne Town Hall – Upper Conference Room

4:00 P.M.

AGENDA

1. Minutes
2. Discussion of Comcast RFP requirement
3. Other towns success (or not) ( Mr. Epstein)
4. Next steps
5. Discuss future agenda items
6. Adjourn

  
Thomas M. Guerino  
Town Administrator



**TOWN OF BOURNE  
COMCAST RENEWAL PROPOSAL  
SUMMARY OF MATERIAL TERMS AND PROVISIONS**

**(8) DROPS TO PUBLIC BUILDINGS**

(a) No Charges	YES	YES
(b) No Distance Requirements	YES	NO: 125 FEET ONLY
(c) Buildings In Exhibit	EXHIBIT 3 DID <u>NOT</u> CONTAIN LIST	EXHIBIT A DOES <u>NOT</u> LIST SPECIFIC LOCATIONS.
(d) Move Drops if Necessary	YES	NO, UNLESS TOWN PAYS.
(e) Define "public building"	NO	YES
 (9) SENIOR DISCOUNT	 YES; PROVIDE DISCOUNT	 NO; COMCAST WILL NOT AGREE TO DISCOUNT
 (10) DETERMINATION OF BREACH PROCESS	 YES	 NO
 (11) LIQUIDATED DAMAGES	 YES	 NO
 (12) PERFORMANCE BOND	 \$50,000.00	 \$25,000.00

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**TOWN OF BOURNE  
COMCAST RENEWAL PROPOSAL  
SUMMARY OF MATERIAL TERMS AND PROVISIONS**

<b><u>SUBJECT</u></b>	<b><u>TOWN REQUEST-FOR-PROPOSAL</u></b>	<b><u>COMCAST RENEWAL PROPOSAL</u></b>
(13) MAPS	PROVIDE TO TOWN AND UPDATE	NO: "AVAILABLE FOR INSPECTION" ONLY
(14) REPORTS	VARIOUS, DELINEATED IN TOWN RENEWAL LICENSE	ONLY STATE REPORTS
(15) # OF SUBSCRIBERS AS OF 12-31-09	<b>7,379</b>	
(16) APPLICABLE FEES	TOWN: \$3,690.00 STATE: \$5,903.00 FCC: \$5,165.00	
	<b>TOTAL FEES: \$14,758.00</b>	

**TOWN OF BOURNE  
COMCAST RENEWAL PROPOSAL  
SUMMARY OF MATERIAL TERMS AND PROVISIONS**

**EXHIBIT 1  
PEG ORINATION LOCATIONS**

**BOURNE REMOTE ORINATION POINTS**

- (1) Bourne Town Hall: Downstairs Meeting Room;
- (2) Bourne High School
  - (a) Auditorium;
  - (b) Gymnasium;
  - (c) Library; and
  - (c) Cafeteria.
- (3) Middle School:
  - (a) Auditorium; and
  - (b) Meeting Room.
- (4) Bourne Public Library;
- (5) Bourne Veterans Memorial Building;
- (6) Cody School;
- (7) Police Station;
- (8) Upper Cape Regional Tech School; and
- (9) Gallo Ice Arena.

**U.S. MILITARY BASE REMOTE ORINATION POINTS**

- (1) Building 5210 Activity Center;
- (2) Building 5219 Base Theater;
- (3) Building 3172 Administration Conference Room;
- (4) Stone Elementary School;
- (5) Otis Memorial Elementary;
- (6) Lyle Building;
- (7) Base Gym; and
- (8) Bourne High School Football Field.

# **Estimated Annual First Year Expenses Budget Public & Government Access**

*Sandwich*

## **Expenses**

Rent for Public Access Facility \$ 50,000.00

## Accounting Services

Audit/Review \$ 2,000.00  
Governmental Fees \$ 200.00  
Banking Charges \$ 150.00  
Legal Services \$ 250.00

Centers with budgets between \$100  
and \$500K must have a financial  
review annually

## Association and Professional Dues

ACM \$ 100.00  
Other Local Associations \$ 300.00 Chamber of Commerce

## Conferences and Conventions

Staff \$ 1,000.00 Staff Development

## Insurance

General Liability \$ 5,000.00 Equipment, Trip & Fall, etc.  
Industry standard, pays legal fees  
against lawsuits over on-air content  
Cablecasters Liability \$ 2,500.00 (\$10,000 deductible)  
Workers' Compensation \$ 500.00 1 FT with 20% paid by  
individual/family plan  
Health Insurance \$ 13,000.00 Covers BOD  
Directors' and Officers Ins. \$ 1,250.00

## Maintenance and Upkeep

Trash Pickup \$ 500.00  
Cleaning \$ 1,000.00 Twice monthly  
Maintenance and Supplies (Building) \$ 750.00

## Office Expenses

Office Supplies \$ 2,000.00  
Postage and Delivery \$ 500.00  
Printing \$ 500.00 Business Cards, Stationery  
Meetings Expenses \$ 100.00  
Copier Lease \$ 1,500.00

## Payroll Expenses

Executive Director/Station Manager \$ 55,000.00  
Part Time Production Technician \$ 25,000.00  
Contract Labor \$ 4,000.00 To tape government meetings  
Payroll Taxes \$ 6,426.00 At 7.65%

Production

Tape and Media	\$ 2,000.00
Equipment Maintenance	\$ 1,500.00
Production Supplies	\$ 750.00
Production Software	\$ 500.00
Training Supplies	\$ 250.00
Annual Equipment Depreciation	\$ 14,000.00

Promotion

Newsletter Printing/ Constant Contact	\$ 200.00	Online
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Travel

Staff Travel (Local)	\$ 500.00
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Utilities

Electric (AC/Heat)	\$ 3,500.00	
Telephone	\$ 600.00	2 lines
On-Line Services	\$ 700.00	

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<b>Total Expenses</b>	<b>\$198,026.00</b>
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# Comcast Access Studio Expenses

Bourne 2009 Budget

Expense Category	2009 calculated and actual expenses
1. Employee Wages/Benefits	\$70,832.97
2. Equipment Parts & Service	\$1,329.50
3. Insurance	\$1,000.00
4. Building Repair & Maintenance, Power	\$11,543.18
5. Office Rental coffee, water, copiers	\$182.40
6. Telephone	\$932.87
7. Videotape	\$879.47
8. Postage	\$33.97
9. Office Supplies (OfficeMax)	\$169.57
10. Studio Supplies (Bulbtronics, Markertek)	\$635.29
11. Travel Expenses	\$1,210.52
12. Van - Gas, Insurance, Maint.	\$235.74
	<b>\$88,985.43</b>

2010 \$52,000

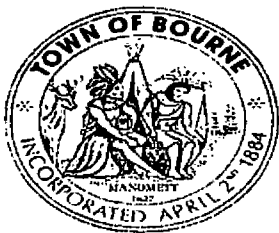
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billlocke " "

# Comcast Access Studio Expenses

Bourne 2010 Budget

	Expense Category	2010 calculated and actual expenses
1.	Employee Wages/Benefits	\$63,400.53
2.	Equipment Parts & Service	\$4,284.60
3.	Insurance	\$1,000.00
4.	Building Repair & Maintenance, Power	\$10,386.18
5.	Office Rental coffee, water, copiers	\$160.00
6.	Telephone	\$1,438.20
7.	Videotape	\$706.81
8.	Postage	\$21.98
9.	Office Supplies (OfficeMax)	\$291.75
10.	Studio Supplies (Bulbtronics, Markertek)	\$833.87
11.	Travel Expenses	\$313.50
12.	Van - Gas, Insurance, Maint.	\$1,533.17
13.	Building Security	\$498.00
Total		\$ 84,868.59
	Capital Expenditures	\$10,441.25



## CAPITAL OUTLAY COMMITTEE



### Meeting Notice

**Date**

Wednesday  
January 6, 2010

**Time**

3:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

### AGENDA

- 1) Approval of Minutes: December 3, 2009
- 2) Task Updates:
  - CPA Funding (Redman/Mastrangelo)
  - Police Site Evaluation (O'Brien/Redman)
  - Best Use Evaluation (Mastrangelo)
  - Grants (Stofa)
  - Facilities Manager Position (Legg)
- 3) FY11 Capital Outlay Plan
- 4) Such other business that may legally come before the Committee

2009 DEC 31 PM 12 34  
TOWN CLERK'S OFFICE  
BOURNE, MASS.

  
Thomas M. Guerino

Town Administrator

Date: December 31, 2009

cc: Town Clerk

Town Administrator

Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman. Notify: Moore,  
Ripley, Finance Director Marzelli, Administrator Guerino



**Capital Outlay Committee**  
**Wednesday, January 6, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

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

Excused: John Stofa

Others Present: Town Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Fire Chief Doucette, DPW Assistant Superintendent George Sala, DPW Vehicle Maintenance Brian Wilson and Bourne Enterprise reporter Dave Fonseca.

Chairman Mastrangelo called the meeting to order at 3:00 P.M.

John Redman made a **MOTION** and **SECONDED** by Ken Legg to approve the minutes of December 3, 2009 as amended. **UNANIMOUS VOTE**

**Task Updates:**

- **CPA Funding (Redman/Mastrangelo):** Preparing an application to obtain CPA funding for windows and gutters at the Town Hall. Need letter of support from the Board of Selectmen before application can be submitted to the CPA. Will discuss at the next COC meeting.
- **Police Site Evaluation (O'Brien/Redman)**  
A Representative from BSC Group will be at the Capital Outlay meeting next week
- **Facilities Manager Position (Legg)**  
Will be attending The Bourne Efficiency/Operations Committee meeting on January 11, 2010 @ 5:30 P.M.

**Departments:**

**Fire Department:** Acting Chief Doucette made presentation

Jaws of Life - \$40,000: Current Jaws of Life is 25 years old and is used on a regular basis. With newer metals the Jaws can't cut through some of these metals. The last Jaws of Life was purchased for Station 1.

Generator (Station 4 - Pocasset) - \$25,000: Generator is approximately 20 years old. Looking for a similar generator only bigger with more output and keep current generator as a back up.

Station 4 Repairs - \$30,000: Repairs need to be done regardless if there is a new station. Water is getting in behind shingles causing mold and rot and is becoming a health issue. Contractor looked at the repairs that needed to be done to determine the cost.

New Station 2 - \$6,000,000: New sub-station would replace stations 2 & 4. Looked at several potential sites but would consider town owned land near the Bourne Water District on County Road. Similar to the Police Department, start with a Feasibility Study and suggest keeping a staggering \$100,000 each year.

**Department of Public Works – George Sala and Brian Wilson made presentation**

Dump/Sander Trucks T6 & T9 - \$264,000 (\$132,000 each truck):

Truck T6 is a 1995 with 234,520 miles; Truck T9 is a 1994 with 201,202 miles

2010 MAR 4 PM 2 15

Trucks breakdown, has body rot and is difficult to get parts for these truck. Truck T6 could be put off for 1 more year but T9 needs to be replaced. Committee request maintenance cost on Project Request Form.

Holiday Lighting & Electrical Service Upgrade - \$25,000: Buzzards Bay Park and rotaries need to have electric service brought up to code. Replace current holiday lights/bulbs with new LED lights that will last much longer and are more energy efficient.

Computer - \$15,000: Current computers are approximately 6 years old and the service is much older. Administrator Guerino would like to have all computer/server upgrades go through the IT Department.

DPW Facility - \$7,900,000: New facility was carried over from FY2010 Capital Plan.

Discussed adding a sidewalk-clearing machine with sander or other attachments to the Capital Outlay Plan. Cost is approximately \$120,000 just for the machine.

Priority List:

- 1) Computer/server upgrades
- 2) Holiday Lighting & Electrical Service Upgrade
- 3) Dump/Sander Truck T9
- 4) Dump/Sander Truck T6

**FY11 Capital Outlay Plan**

Upcoming meetings of the Capital Outlay Committee:

January 13, 2010:

- ISWM
- Police
- BSC Group to discuss Feasibility Study for the Police Station

January 20, 2010:

- Department of Natural Resources
- Shore & Harbor Committee

The School Department will be scheduled after their requests have been received.

**Keith Field**

Received only 1 bid for the installation of lights at Keith Field from Musco Lighting at a bid price of \$91,700. Mass Air National Guard will be doing the installation. Conduit, copper wire, panel upgrades are an additional \$40,000 - \$45,000.

Approximately 4 – 5 years ago CPA appropriated approximately \$65,000 on Keith Field for irrigation, dirt etc. Discussion continued on how much more money should we invest into this field?

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 4:25 P.M.  
**UNANIMOUS VOTE**

**Capital Outlay Committee**  
**Wednesday, January 6, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

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

Excused: John Stofa

Others Present: Town Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Fire Chief Doucette, DPW Assistant Superintendent George Sala, DPW Vehicle Maintenance Brian Wilson and Bourne Enterprise reporter Dave Fonseca.

Chairman Mastrangelo called the meeting to order at 3:00 P.M.

John Redman made a **MOTION** and **SECONDED** by Ken Legg to approve the minutes of December 3, 2009 as amended. **UNANIMOUS VOTE**

**Task Updates:**

- **CPA Funding (Redman/Mastrangelo):** Preparing an application to obtain CPA funding for windows and gutters at the Town Hall. Need letter of support from the Board of Selectmen before application can be submitted to the CPA. Will discuss at the next COC meeting.
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- 2) Holiday Lighting & Electrical Service Upgrade
- 3) Dump/Sander Truck T9
- 4) Dump/Sander Truck T6

**FY11 Capital Outlay Plan**

Upcoming meetings of the Capital Outlay Committee:

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- ISWM
- Police
- BSC Group to discuss Feasibility Study for the Police Station

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- Department of Natural Resources
- Shore & Harbor Committee

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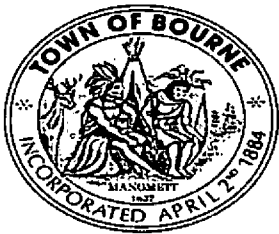
Approximately 4 – 5 years ago CPA appropriated approximately \$65,000 on Keith Field for irrigation, dirt etc. Discussion continued on how much more money should we invest into this field?

John O'Brien made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 4:25 P.M.  
**UNANIMOUS VOTE**

2011 SEP 8 PM 2 33

TOWN CLERK'S OFFICE **Capital Outlay Committee**  
BOURNE, MASS **Wednesday, January 13, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Capital Outlay meeting was cancelled due to no quorum



# CAPITAL OUTLAY COMMITTEE



## Meeting Notice

### Date

Wednesday  
January 13, 2010

### Time

3:00 PM

### Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

## AGENDA

### 1) Capital Outlay FY11

- ISWM
- Police

### 2) Police Station Site Evaluation

### 3) Task Updates:

- CPA Funding (Redman/Mastrangelo)
- Police Site Evaluation (O'Brien/Redman)
- Best Use Evaluation (Mastrangelo)
- Grants (Stofa)
- Facilities Manager Position (Legg)

### 4) Approval of Minutes: January 6, 2010

### 5) Such other business that may legally come before the Committee

Thomas M. Guerino  
Town Administrator

Date: January 8, 2010

2010 JAN 8 PM 4 18  
TOWN CLERK'S OFFICE  
BOURNE, MASS.

cc: Town Clerk

Town Administrator

Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman. Notify: Moore,  
Ripley, Finance Director Marzelli, Administrator Guerino

MJ,

Good morning,

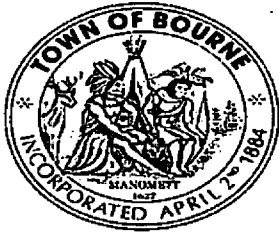
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Regretfully I think I need to resign from the COC. My schedule with work has been unrelenting and doesn't seem to be getting any better. I had hoped things would turn around but with the economy being what it is, I'm busier than ever (with little to show for it). It's not fair to the rest of the group that they suffer due to my schedule.

I have enjoyed my time with the group and hope to someday return when my schedule allows.

Respectfully,

John Stofa



# CAPITAL OUTLAY COMMITTEE



## Meeting Notice

**Date**

Thursday  
January 21, 2010

**Time**

7:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

## AGENDA

- 1) Review and vote CPA application
- 2) Such other business that may legally come before the Committee

Thomas M. Guerino  
Town Administrator  
Date: January 19, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



**Capital Outlay Committee**  
**Wednesday, January 21, 2010 - 7:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

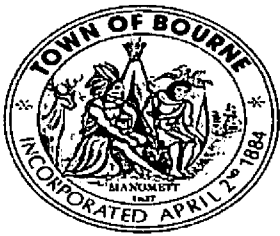
Members present: Chairman Mastrangelo and John Redman

Others Present: Town Administrator Guerino, Building Inspector Roger LaPorte

A quorum of members was not present, therefore a meeting was not formally called to order and there was informal discussion only.

The topic of discussion was the Capital Outlay Committee's application for Community Preservation funding for the restoration and preservation of Town Hall. Roger LaPorte reported on the gutters at Town Hall. He has looked at the condition of the gutters and related face boards and main support frame. He has also had discussions with a contractor on the cost of the project. The contractor estimated \$40,000 - \$45,000 for the gutter project including gutters with copper lining and for the replacement of rotten face boards. At this point there does not appear to be damage to the main support frame. Further deterioration would require a higher cost of repair.

2010 FEB 18 PM 12 41  
TOWN CLERK'S OFFICE  
BOURNE, MASS



# CAPITAL OUTLAY COMMITTEE



## Meeting Notice

**Date**

Thursday  
February 4, 2010

**Time**

4:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Lower Conference Room

## AGENDA

- 1) Capital Outlay FY2011
  - Police Department
- 2) BSC Group to discuss Site Evaluation for the Police Station
- 3) Task Updates:
  - Police Site Evaluation
  - CPA application
  - Highest & Best Use
- 2) Such other business that may legally come before the Committee

2010 FEB 2 PM 1 36  
TOWN CLERK'S OFFICE  
BOURNE, MASS

**Residents are welcomed and encouraged to attend our meetings**

Thomas M. Guerino

Town Administrator

Date: February 2, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Thursday, February 4, 2010 - 4:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Members present: Chairman Mastrangelo, John Redman

2010 MAR 4 PM 3 21

Excused: John O'Brien, Ken Legg

TOWN CLERK'S OFFICE  
BOURNE, MASS

Others Present: Town Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Town Planner Coreen Moore, Brian Yergatian from BSC Group, Superintendent Ed LaFleur and Paul Gately of the Bourne Courier

Chairman Mastrangelo called the meeting to order at 4:00 P.M.

Capital Outlay member John Stofa submitted his letter of resignation due to demands with his work schedule. Will advertise the vacancy in the local newspaper.

**BSC Group to discuss Site Evaluation for the Police Station**

BSC Group had been selected to do site evaluation for the proposed police station on MacArthur Blvd. Mr. Yergatian said he reviewed all Bylaws, regulations, site plan and documents that were submitted by the Cecil Group. He also met with Chief Baldwin and toured the Police Station.

Review and discussed the site plan, proposed location of the new police station and amenities to the building and property. Proposed Police Station will consist of a 2-story building with full basement, a garage that will house bikes, ATV's, boats etc and will have approximately 72 parking spaces. "Sally port" will have direct access to building.

There will be a proposed separate 6 bay garage (at minimum) with approximately 4,000 square feet. Municipal vehicles will gas up at this fueling station. There was some concern with the fueling area and may have to redesign its location as it is shown on site plan.

Four large retaining walls will be constructed in different locations at the site that will range in height from 5' to 10' to hold back the fill along the slope. A remote control gate will secure property, which was a concern of the School Committee. Retaining wall will be inside the fenced area.

No deceleration lane would be required as you could use existing 8' shoulder to exit off the highway onto the police property.

Treatment Plant at the Middle School has the capacity for 35,000 gallons per day; with the average flow of 6,500 gallons per day. Treatment plant is being under utilized. If more flow were going in to the treatment plant, it would make it work more efficiently. Estimated gallons per day for the proposed police station are 4,400 gallons per day.

Chairman Mastrangelo asked Chief Baldwin what he thought of the proposed site location? Chief Baldwin commented on this being town owned land and you can save monies by not having to construct a treatment plant. Best property for new station would be the driving range located further down MacArthur Blvd because the property is flat (approximately 11 acres). As stated during the discussion, there are still some pro and cons on constructing on flat land.

Brian Yergatian said he is approximately 50% through contract with a report that still needs to be completed and presented. Administrator Guerino suggested that he makes a presentation before the Board of Selectmen.

#### **Capital Outlay FY2011**

Police Department – 4 Cruisers (\$94,000)

Chief Baldwin said he needs all 4 vehicles since he has more patrolmen and some of the cruisers are 2003's. Need to keep on the rotating schedule.

There is a minimal cost for installation of lights and radios for new cruisers. Transfer equipment from old cruisers to new cruisers. This has been done in the past and worked out well.

#### **Task Updates:**

➤ **Highest and Best Use**

There was only 1 proposal received. Proposal was reviewed and everything was in order. Since timing is an issue, contract has been approved and issued notice of award.

➤ **Police & Fire Grants**

Grants need to be filed by March for the communication system. Chief Baldwin said if the grant money is to be used to replace existing system with module system then put this item on hold.

➤ **CPA Funding**

CPA application has been submitted for windows and gutters at Town Hall. Need to re-submit on formal CPA application form.

Administrator Guerino said the Waldorff School is moving in March and will complete their contractual obligation in May. Town will have to maintain another building. Heating will be costly and don't know where the money will come from.

Chairman Mastrangelo suggested communicating with Department Heads to consider use of the facility. Can also advertise so see if non-profit organizations might be interested in leasing. Building is not handicap accessible and will cost \$3-4 million to get the building up to code.

Chairman Mastrangelo said she would like to see a temporary borrowing schedule from the Finance Director.

Mary Jane Mastrangelo made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 6:00 P.M. **UNANIMOUS VOTE**

**Capital Outlay Committee**  
**Thursday, February 4, 2010 - 4:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Members present: Chairman Mastrangelo, John Redman

Excused: John O'Brien, Ken Legg

Others Present: Town Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Town Planner Coreen Moore, Brian Yergatian from BSC Group, Superintendent Ed LaFleur and Paul Gately of the Bourne Courier

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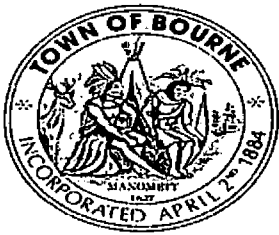
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Mary Jane Mastrangelo made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 6:00 P.M. **UNANIMOUS VOTE**



2010 FEB 10 AM 11 03

**CAPITAL OUTLAY  
TOWN CLERK'S OFFICE  
COMMITTEE**



**Meeting Notice**

**CAPITAL OUTLAY MEETING HAS BEEN CANCELLED  
DUE TO SNOWSTORM**

**Date**

Wednesday  
February 10, 2010

**Time**

4:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Lower Conference Room

**AGENDA**

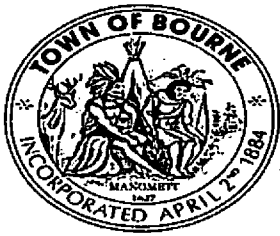
- 1) Approval of minutes: January 6, 2010
- 2) Capital Outlay FY2011
  - ISWM
- 3) Task Updates:
  - Police Site Evaluation
  - CPA application & Funding
  - Best Use Evaluation
  - Facilities Manager Position
  - Police & Fire Grants
- 4) Such other business that may legally come before the Committee

**Residents are welcomed and encouraged to attend our meetings**

  
Thomas M. Guerino

Town Administrator

Date: February 10, 2010



## CAPITAL OUTLAY COMMITTEE

2010 FEB 5 PM 2 54

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



**Date**

Wednesday  
February 10, 2010

**Time**

4:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Lower Conference Room

### AGENDA

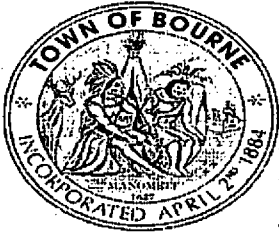
- 1) Approval of minutes: January 6, 2010
- 2) Capital Outlay FY2011
  - ISWM
- 3) Task Updates:
  - Police Site Evaluation
  - CPA application & Funding
  - Best Use Evaluation
  - Facilities Manager Position
  - Police & Fire Grants
- 4) Such other business that may legally come before the Committee

**Residents are welcomed and encouraged to attend our meetings**

Thomas M. Guerino  
Town Administrator  
Date: February 5, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

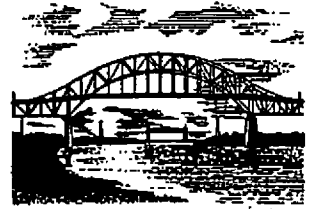




2010 FEB 12 PM 2 53

TOWN CLERK'S OFFICE  
BOURNE, MA

## CAPITAL OUTLAY COMMITTEE



### Meeting Notice

**Date**

Wednesday  
February 17, 2010

**Time**

3:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Lower Conference Room

### AGENDA

- 1) Approval of minutes: January 6, 2010; February 4, 2010
- 2) Capital Outlay FY2011
  - ISWM
  - Department of Natural Resources
  - Shore & Harbor
- 3) Task Updates:
  - Police Site Evaluation
  - CPA application & Funding
  - Best Use Evaluation
  - Facilities Manager Position
  - Police & Fire Grants
- 4) Such other business that may legally come before the Committee

**Residents are welcomed and encouraged to attend our meetings**

Thomas M. Guerino  
Town Administrator

Date: February 12, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Wednesday, February 17, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Members present: Chairman Mastrangelo, John Redman, Ken Legg

Excused: John O'Brien

Others Present: Town Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, ISWM Operations Manager Dan Barrett, Phil Goddard, Paula Coulombe, DNR Director Tim Mullen, Jim Mulvey, Paul Gately from the Bourne Courier and Bourne Enterprise reporter Dave Fonseca.

Chairman Mastrangelo called the meeting to order at 3:17 P.M.

**Capital Outlay FY2011**

**> ISWM**

Reviewed FY2010 appropriations:

1. Replace CAT 906 Mini-Loader – will be purchasing from state bid list
2. Replace Ford F550 Container - will be purchasing from state bid list
3. Excavator – getting ready to move forward but may take awhile

**Listed in accordance to priority:**

**1. Flare skid and appurtenances - \$335,000**

New flare skid package will consist of new flare, blower, stack, installation and associated appurtenances. Current system is 10 years old, has reached its capacity will be used as a back-up. Projected date to become operational is November 2010.

Funding Source: Bonding

Estimated cost of flare skid package is \$275,000 and cost of the generator is \$60,000.

**2. Phase 2A/3A North Slope Cap and Odor Mitigation - \$1,005,400**

DEP mandates that when you bring cell up to final grade, it must then be capped. Areas that have reached final grades should be capped and vertical gas collection wells should be installed. ISWM must continue to maintain odor mitigation efforts in addition to capping. Hope to start capping in mid summer and complete in November in time for grass seeding.

Funding Source: Bonding - \$220,000

Phase 2A/3A Closure Fund: \$785,400

**3. Site Infrastructure Improvements - \$500,000**

Proposed improvements to be made to the entrance, scale relocation and the relocation of the residential recycling center. Improvements will improve operational efficiency and safety of the traffic flow. Most of the work for the new residential recycling center has been completed. Constructing a new Swap Shop, line painting, guardrails, electrical and phone lines still needs to be done. Scales are approximately 10-12 years old and are severely worn, especially the decking and railings. It is recommended replacing them with permanent upgraded facilities.

Order for work to be done:

- A. Relocate residential drop-off to new location
- B. Mining – next phase
- C. Road configuration of entrance way and construction of new scale

Funding Source: Bonding (new) - \$250,000

Transfer from Article 27O of the 2006 Annual Town Meeting: \$250,000

Timing:

Residential Recycling Area – August 2010

Mining: Start late April - 2010

Scale: Spring 2011

Final roadwork: Spring 2011

#### **4. Articulated Truck (Replacement for CAT D250E) - \$602,858.87**

Current Caterpillar D250E is a very valuable piece of equipment and is used on a daily basis but has reached the end of its useful life and has been fully depreciated. Can trade-in the CAT D250E but doesn't expect to get a lot in return.

Funding Source: Bonding (new) - \$200,000

Transfer from Article 10Z of the 2008 Annual Town Meeting: \$402,858.87

#### **5. Phase 4 Landfill Liner and Appurtenances - \$3,086,050**

Phase 4 is located along the western boundary of the site and provides 1,477,000 cubic yards of air space. Timing of this liner is critical for both operation efficiency and odor mitigation efforts. Hydrogen sulfide gas is the main cause of odors. Goal is to leave this cap in place as long as possible so that the hydrogen sulfide can be generated within the Stage 1 capped area and destroyed at the flare without release off-site.

It was suggested to move forward in October to begin work in the spring 2012.

Funding Source: Bonding

Chairman Mastrangelo said this is the best presentation that ISWM has given. Dan Barrett thanked Mrs. Coulombe and Phil Goddard for all their help.

#### **➤ Department of Natural Resources**

Reviewed FY2010 appropriations:

- 1. Repower Y56 1995 Pump Out Boat - completed
- 2. Pile Replacement Monument Bach Marina (15) – Not done \*Only 6 really needed to be replaced\* - Monies still remain in article
- 3. Fuel System Upgrade (Taylor Point Marina) – Out to bid \*Requested more information on top 3 bidders. Hope to sign contract and have work completed before May 1<sup>st</sup>.

Listed in accordance to priority:

##### **1. Replace Y-54 2000 Ford F-250 - \$36,000**

Truck is 11 years old with approximately 105,000 miles. It's the only heavy-duty vehicle that the department has. Its able to tow the patrol boat, pull boats that get stuck on town ramps and are used as a patrol vehicle during the summer. Vehicle is also used on department maintenance and shellfish projects. Will purchase vehicle through state bid. Next truck will have an extended cab. Lights, radio, tow package and winch are included in price.

## **2. Monument Beach Marina – Replace floats - \$37,000**

These are seasonal floats built in the late 1980's. Decking needs to be replaced and painted on a yearly basis. Request is for replacement of 14 floats framed with pressure treated wood, all hardware and foam filled polyethylene flotation tubs, 2" x 6" decking and delivered to site.

Options:

- Replace with aluminum which is more expensive but less maintenance. Floats aren't as sturdy and are noisier.
- Pressure treated wood lasts a long time and are quiet and more stable.

It was asked if there is a way to retrofit the float into swimming floats – It would be looked into.

## **3. Replace Y57 1990 Skiff/Work Boat - \$19,655**

Current skiff/workboat is a 1990 Carolina skiff w/trailer. Boat gets a lot of use installing and removal of town maintained navigational aids, shellfish propagation and is used as an enforcement vessel.

Boat has been a great and exceeded all manufacture's warranties. Current boat has a 50 HP 4-stroke and new boat would upgrade to a 60 HP 4-stroke.

## **4. Multi Function Printer - \$10,000**

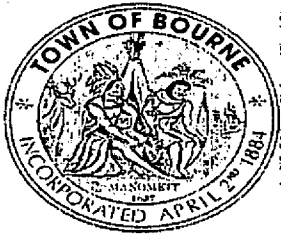
Printer would be a Town Hall printer, which can save the town monies in printing projects such as Town Meeting Warrants, Shellfish Regulations, Waterway Regulations or any booklets. Printer would be a binder as well.

Multi Function Printer should be part of the IT Department. Request more information on model and maintenance contract.

DNR Director Tim Mullen told the committee the Department of Agriculture recently made available \$5 million of the 10-year \$30 million for the Cape Cod Water Restoration Fund Project. Funds are for restoring salt marshes and improve water quality for shellfish beds. Restoration of herring runs need to have engineered plans so funds would need to be set aside for the next phase. It was discussed to include the Monument Beach Marina boat ramp but this project wasn't on the list the Town had already provided to the Department of Agriculture that would be eligible for funding. Towns must have 25 percent in matching funds set aside to help fund the project and project must be shovel ready as soon as funds are received. Further discussed the projects that might be eligible and what the town could afford.

Mary Jane Mastrangelo made a **MOTION** and **SECONDED** by Ken Legg to adjourn the meeting at 5:25 P.M. **UNANIMOUS VOTE**

2010 FEB 19 PM 2 55



TOWN CLERK  
BOURNE, MASS  
**CAPITAL OUTLAY  
COMMITTEE**



## Meeting Notice

**Date**

Wednesday  
February 24, 2010

**Time**

3:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

## AGENDA

- 1) Approval of minutes: 1/13/09; 4/07/09; 1/6/10; 2/4/10
- 2) Capital Outlay FY2011
  - School Department
- 3) Review and vote of Capital Plan for FY11
- 3) Task Updates:
  - Police Site Evaluation
  - CPA application & Funding
  - Best Use Evaluation
  - Facilities Manager Position
  - Police & Fire Grants
- 4) Such other business that may legally come before the Committee

**Residents are welcomed and encouraged to attend our meetings**

Thomas M. Guerino  
Town Administrator

Date: February 19, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Wednesday, February 24, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Members present: Chairman Mastrangelo (arrived at 3:40), John Redman, Ken Legg

Excused: John O'Brien

Others Present: Town Administrator Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, Superintendent LaFleur, Business Manager Ed Donaghue, Technology Director Barbara Lavoine, Bus Coordinator Sue Alma, Paul Gately from the Bourne Courier.

Vice Chairman Legg called the meeting to order at 3:15 P.M.

**Task Update:**

**CPA**

Administrator Guerino and Chairman Mastrangelo met with Donald Ellis and Jack MacDonald to look at window replacements at Town Hall. Mr. MacDonald recommends refurbishing windows and repairing both original windows beside the front door of Town Hall. Discussed using Trex material for gutters that will last a long time. Don't believe gutters are copper lined. Downspouts also need to be repaired.

**Facilities Manager Position**

Mr. Legg reported that he will be attending the Efficiency/Operations meeting on Monday and will report at the next meeting.

**Best Use Evaluation**

Contract has been approved and will be moving forward

**Police Site Evaluation**

Mr. Redman reported that the Town of Harwich shares their building with both the Fire Department and Police Department and works well.

Discussed walking the site of the potential new Police Station site.

**Approval of Minutes:**

Ken Legg made a **MOTION** and **SECONDED** to approve the minutes of January 13, 2009, April 7, 2009, January 6, 2010 and February 4, 2010. **UNANIMOUS VOTE**

**Review and Vote Capital Plan for FY11**

**Police Department:**

Police Cruisers	\$94,000 from General Debt
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**Fire Department:**

Station 4 (Pocasset) – Generator	\$25,000 from Free Cash
Station 4 (Pocasset) – Repairs	Not Recommended
Station 4 (Pocasset) – Jaws of Life	\$40,000 from General Debt
Station 2 & 4 (Pocasset) – Replacement	Not Recommended

TOWN CLERK'S OFFICE  
2010 APR 1 PM 3 02

**Department of Natural Resources:**

Multi Function Printer	Not Recommended
Replace Y-54 2000 Ford F-250	\$36,000 from General Debt
Replace Y-57 1990 Skiff/Work Boat	\$19,655 from Waterways Fund
Monument Beach Marina – Replace Floats	\$37,000 from Waterways Fund

**Schools:**

Replace HVAC Unit Compressor motor	\$26,000 from Free Cash
Purchase/Replace SPED Mini Busses	\$93,000 from General Debt
Technology Plan	\$218,000 from General Debt

**Department of Public Works:**

Purchase Dump/Sander Truck (T6)	Not Recommended
Purchase Dump/Sander Truck (T9)	\$132,000 from General Debt
Purchase Computer Equipment	\$15,000 from Free Cash
Holiday Lighting & Electrical Service Upgrade	Not Recommended at this time
Build new DPW Facility	Not Recommended

**ISWM:**

Front Entrance Infrastructure & Road Realignment	\$250,000 from Enterprise Fund
Flare Skid	\$335,000 from Enterprise Fund
Replace Caterpillar D250E Off-Road Truck	\$200,000 from Enterprise Fund
2A/3A North Slop Cap & 2A/3A Odor Mitigation Infrastructure	\$220,000 from Enterprise Fund
Phase 4 Landfill Liner Design	Not recommended at this time (wait until Fall)

**Shore & Harbor:**

Annual Dredging/Ramp Repair and Improvement	\$80,000 from Waterways Fund
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**Community Preservation Committee**

Town Hall Windows & Gutters	\$100,000 from Community Preservation
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**Discussed the following:**

Holiday Lighting – Upgrade needs to be done at the West Rotary, Belmont Rotary, Buzzards Bay Park and Town Hall. Quotes came in much higher than anticipated. Look for possible outside funding to help share cost. Working with the Cape Light Compact to help with lighting but they can't repair wiring. Hold off on making recommendation until more information is received.

Station 4 (Pocasset) – Repairs: Not recommending for repairs until more information is receiving from the Highest and Best Use Evaluation.

Need to put monies aside at the Special Town Meeting to keep maintaining Coady School after July 1<sup>st</sup>.

Administrator Guerino will speak with Historic Commission members Donald Ellis and Jack MacDonald regarding repairs to the Hoxie School, Coady School, Administration Building and Pocasset Fire Station to see if there is funding that might be available if buildings are kept for municipal use.

Chairman Mastrangelo requested a Debt Schedule from the Finance Director for the DPW Facility to see what impact it would have on ISWM.

**Schools:**

**1. Replace HVAC Unit - \$30,000**

Withdraw HVAC Unit from request

**2. Purchase/Replace SPED Mini Busses - \$93,000**

Request to purchase 2 Special Education Busses with wheelchair lift. There are 5 busses in service and 1 used for backup. Trade-in 2 busses with the highest mileage – (Old) Bus # 32 has approximately 159,057 miles and Bus #33 has approximately 139,279 miles. Currently spending \$155,000 to hire a third party vender for transportation services per year. Busses need to be replaced every 5 years.

**3. Technology Plan - \$218,000**

This is the 2<sup>nd</sup> year of a 5-year plan.

➤ Purchase 20 ceiling projectors and whiteboards for the High School and Middle School at unit price of \$5,000 each	\$100,000
➤ Purchase 1 HS Journalism Program/BHS Radio at unit price of:	\$ 11,000
➤ Auto Cad LT for Mechanical Drawing at unit price of:	\$ 7,000
➤ Switches at unit price of:	<u>\$100,000</u>
	\$218,000

There are 411 computers in the Middle School and 307 computers in the High School. Technology Plan has been approved by the School Committee and by the state.

**4. Replace HVAC Unit Compressor motor - \$26,000**

There are 2 HVAC units at the Middle School and 1 has failed. If the compressor motor fails, there will be no air conditioning in the building and no cool air to keep computer room chilled. This item must be replaced.

Discussed the Peebles School and the waste of heat with the single pane windows along with either demolishing the building and rebuilding or renovating. Chairman Mastrangelo asked Mr. Donaghue to monitor the timing of the application for funding so the Capital Outlay Committee can get going this fall.

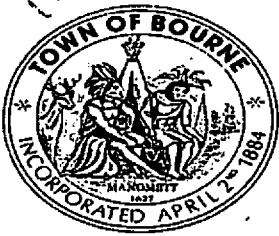
John Redman made a **MOTION** and **SECONDED** by Ken Legg to approve the Capital Outlay recommendations of the Town Administrator. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John Redman to further discuss the Holiday Lighting and the Pocasset Fire Station repairs. **UNANIMOUS VOTE**

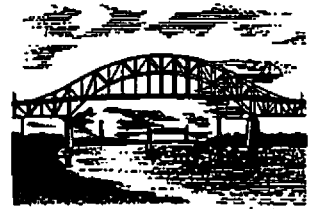
Ken Legg made a **MOTION** and **SECONDED** by John Redman to support all school items with the Town Administrator's recommendations for funding. **UNANIMOUS VOTE**

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





**CAPITAL OUTLAY  
COMMITTEE  
And  
BOARD OF SELECTMEN**



**Meeting Notice**

**Date**

Monday  
March 8, 2010

**Time**

6:15 PM

**Location**


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

**AGENDA**

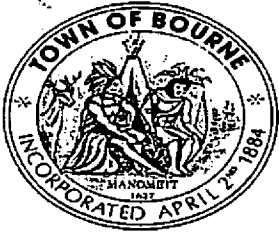
- 1) FY11 Capital Budget
- 2) DNR Project
- 3) Electrical Service Upgrade
- 3) Use of other articles for funding
- 4) Such other business that may legally come before the Committee

2010 MAR 5 PM 4 23  
TOWN CLERK'S OFFICE  
BOURNE, MASS

**Residents are welcomed and encouraged to attend our meetings**

  
Mary Jane Mastrangelo  
Chairman  
Date: March 5, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



## CAPITAL OUTLAY COMMITTEE



### Meeting Notice

**Date**

Monday  
March 8, 2010

**Time**

6:15 PM

**Location**

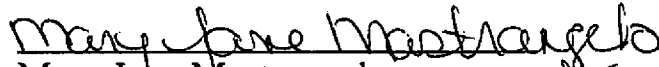
Bourne Veterans' Memorial  
Community Center  
239 Main Street  
Buzzards Bay, MA 02532

### AGENDA

- 1) FY11 Capital Budget
- 2) DNR Project
- 3) Electrical Service Upgrade
- 3) Use of other articles for funding
- 4) Such other business that may legally come before the Committee

2010 MAR 5 PM 4 03  
TOWN CLERK'S OFFICE  
BOURNE, MASS.

**Residents are welcomed and encouraged to attend our meetings**

  
Mary Jane Mastrangelo  
Chairman  
Date: March 5, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Joint Meeting  
Capital Outlay Committee/Board of Selectmen  
Monday, March 8, 2010 - 6:15 P.M.  
Bourne Veterans' Memorial Community Center  
239 Main Street, Buzzards Bay**

Members present: Chairman Mastrangelo, William Ware, John O'Brien and Ken Legg

Excused: John Redman

Others Present: DNR Director Tim Mullen, Conservation Agent Brendan Mullaney

Meeting was called to order at 6:15 P.M.

Brendan Mullaney and Tim Mullin presented request for funding of Cape Cod Water Restoration Projects

Bourne nominated 11 projects (signed Jan 2007)

These projects are partially funded by stimulus funds.

100% covered for Feasibility/design work

75% covered for construction costs

Also town must cover land purchase and permitting costs.

5 requests:

- 1) Bournedale Herring run \$60k engineering, \$175k Construction (\$43,750 is town's portion)
- 2) Dikes Creek (behind Town Hall) herring run- \$65k engineering only
- 3) Red brook Pond herring run- \$45k engineering, \$145k construction (\$36250 to town)
- 4) Mashnee Dike culvert salt marsh- \$50 k engineering only
- 5) Cohasset Narrows Storm water remediation \$200k engineering only.

Thus \$80 k construction plus \$45k permitting are needed for a total of \$125k. These funds will be a borrowing.

Ken Legg made a **MOTION** and **SECONDED** by William Ware to recommend an article be placed on the Town meeting warrant authorizing expenditure of \$125k for these purposes. **Passed Unanimous**

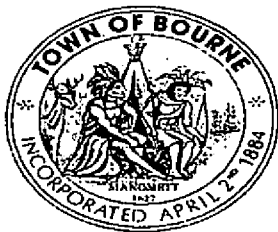
The funds must be authorized by June 30.

Adjourned

Respectfully submitted by

TOWN CLERK'S OFFICE  
2010 APR 1 PM 3 02

Ken Legg  
Vice Chairman



# CAPITAL OUTLAY COMMITTEE



## Meeting Notice

### Date

Thursday  
March 25, 2010

### Time

3:00 PM

### Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Upper Conference Room

## AGENDA

- 1) Highest and Best Use Evaluation – Preliminary discussion with Bill Pastuzek of Shepherd Associates
- 2) Review of FY11 Capital Plan
  - Pending Projects FY11
  - Funding Review FY11
  - Review FY11 Spreadsheet
  - Discussion on 5-year plan for Annual Town Meeting
- 3) Task Updates
  - Police Site Evaluation
  - CPA Funding
  - Facilities Manager
  - Grant Funding
- 4) Approval of Minutes: February 17, 2010, February 24, 2010, March 8, 2010
- 5) Such other business that may legally come before the Committee
- 6) Public Comment

2010 MAR 19 AM 8 33  
TOWN CLERK'S OFFICE  
PO BOX 1000

**Residents are welcomed and encouraged to attend our meetings**

*Mary Jane Mastrangelo*  
Mary Jane Mastrangelo  
Chairman

Date: March 18, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Stofa and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Thursday, March 25, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

2010 APR 8 PM 12 06

Members present: Chairman Mastrangelo, John O'Brien, Ken Legg, William Ware

Excused: John Redman

Others Present: Finance Committee member Elinor Ripley, Representatives from Shepherd Associates and Paul Gately from the Bourne Courier.

Chairman Mastrangelo called the meeting to order at 3:05 P.M.

**Highest and Best Use Evaluation – Preliminary discussion with Bill Pastuzek of Shepherd Assoc.**

There are 7 town buildings that are being evaluated:

- Buzzards Bay Fire Station – B Zone - .0836 acres
- Pocasset Fire Station – 3.85 acres
- Monument Beach Fire Station – ¼ acre
- Hoxie School – 4 acres
- Coady School – 7.5 acres
- Police Station – B Zone - .8 acres
- School Administration Building – less than ¼ acre

Mr. Pastuzek looked at the School Administration building but would like to do a walk-thru the other buildings within the next 10 days. Hoxie and Coady Schools are closed. Suggest that Mr. Pastuzek coordinate a walk-thru with Jerry Ellis and Jack MacDonald from the Historic Commission. These buildings and the Administration Building are historic buildings. Could apply for CPA funding for improvements.

Highest & Best Use of the School Administration Building and its property: Zoning in this area is R-40. If you change the zoning in this area, it will affect the property. If building is improved, you could continue to use the building for educational purposes, religion or non-profit.

Monument Beach Fire Station, Pocasset Fire Station and Police Station are the most problematic.

Monument Beach Fire Station is in a (VB zone) Village-Business zone. Highest and Best Use would be to sell the building since it doesn't have any useful purpose.

Police Station is in a flood zone and on a corner lot.

There is split zoning at the Pocasset Fire Station property. Front of the property where the Fire Station is located is zoned commercial and the rear of the property is zoned residential, which includes a ball field, tennis court and basketball court.

Long-term plan is to consolidate the Pocasset Fire Station and Monument Beach Fire Station.

Buzzards Bay Fire Station is in a flood zone with a sewer pump station. This parcel would be difficult to reuse for commercial use.

Hoxie School is in a great location and has 1.81 acres with the ball field being a separate parcel with 2.41 acres. To preserve this property would benefit the town.

Coady School and the ball field is all included in 1 parcel consisting of approximately 7.5 acres.

It is suggested not to get rid of any ball fields – once you give them up its very difficult to get them back.

Timeframe for completion:

1. Need to write separate reports
2. 30 – 40 days to complete

### **Review of FY11 Capital Plan**

#### **1. Pending projects FY11**

- Electrical Service Upgrade: Get lights through the Cape Light Compact with the town providing wiring.

#### **2. Funding Review FY11**

- Electrical Service Upgrade: Change funding from Free Cash to Available Funds

#### **3. Review FY11 Spreadsheet**

- Police Station: Move funding of \$8,000,000 from FY11 to FY12
- Station 2 & 4 (Pocasset) - Replacement: Move funding of \$6,000,000 from FY11 to FY13 and removed from funding spreadsheet
- Station 1 (Buzzards Bay) – New Station: Move funding of \$8,000,000 from FY12 to FY14
- Add Fire Station Site Evaluation Study (Fall FY12) funding for \$100,000
- Restoration Projects (add STM 2010)
- Change Peebles School Renovations and addition funding from \$28,500,000 to last years funding amount of \$33,480,000
- DPW Facility: Move funding of \$7,900,000 from FY11 to FY12
- ISWM included inflation cost in FY12 – FY15. Change spreadsheet to use current numbers.

#### **4. Discussion on 5-year plan for Annual Town Meeting**

- Review Capital Outlay request for the proposed new Police Station and what the impact it would have on the taxpayers.
- Chairman Mastrangelo will follow-up on the Final Report on the Police Station
- Discussed having the 10-year plan include vehicles

### **Task Updates**

**Police Site Evaluation:** Contact Brian G. Yergatian from BSC Group and see if he can attend the Capital Outlay Meeting on April 7, 2010.

**CPA Funding:** Application for CPA Funding has been submitted for funding to replace/refurbish windows at Town Hall and replace gutters.

**Facilities Manager:** No updates

**Grant Funding:** No updates

**Approval of Minutes:**

Ken Legg made a **MOTION** and **SECONDED** by John O'Brien to approve the minutes of February 17, 2010 as submitted. **VOTED 4-0 Ware abstained**

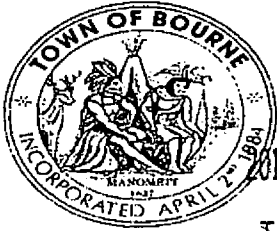
John O'Brien made a **MOTION** and **SECONDED** by Ken Legg to approve the minutes of February 24, 2010 as submitted. **VOTED 4-0 Ware abstained**

John O'Brien made a **MOTION** and **SECONDED** by William Ware to approve the minutes of March 8, 2010 as submitted. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John O'Brien to adjourn the meeting at 4:35 P.M. **UNANIMOUS VOTE**

Respectfully submitted  
Debbie Judge  
Secretary





## CAPITAL OUTLAY COMMITTEE

2010 APR 5 AM 11 32

TOWN CLERK'S OFFICE

110043 1255

### Meeting Notice



#### Date

Wednesday  
April 7, 2010

#### Time

3:00 PM

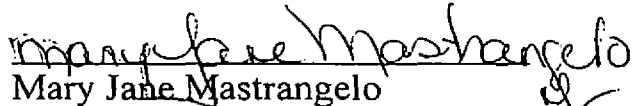
#### Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Upper Conference Room

### AGENDA

- 1) Review of FY11 Capital Plan
- 3) Task Updates
  - Police Site Evaluation
  - CPA Funding
  - Facilities Manager
  - Grant Funding
  - Highest & Best Use
- 4) Approval of Minutes: March 25, 2010
- 5) Such other business that may legally come before the Committee
- 6) Public Comment

**Residents are welcomed and encouraged to attend our meetings**

  
Mary Jane Mastrangelo

Chairman

Date: April 5, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Wednesday, April 7, 2010 - 3:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Members present: Chairman Mastrangelo, John O'Brien, Ken Legg, William Ware, John Redman

Others Present: Town Administrator Thomas Guerino, Finance Director Linda Marzelli, Finance Committee member Elinor Ripley, and Paul Gately from the Bourne Courier.

Chairman Mastrangelo called the meeting to order at 3:10 P.M.

Finance Director Linda Marzelli handed out a Capital Outlay Report for FY11 outlining the Funding Source for Capital items that will be included in the Town Meeting Warrant.

**Changed funding sources as follows:**

Police Cruisers: from General Debt to Available Funds (old articles).

Fire Department (generator): from Free Cash to Available Funds (old articles)

Fire Department (Jaws of Life): from General Debt to from Available Funds (old articles)

Department of Natural Resources (Replace Y54): from General Debt to Available Funds (old articles)

Schools (HVAC compressor motor): from Free Cash to Available Funds (old articles)

Schools (Technology Plan): Split funding of \$218,000 as follows: General Debt \$212,255 and take \$5,745 from Available Funds (old articles)

DPW (Computer Equipment): from Free Cash to Available Funds (old articles)

There is no change in funding source on the remaining capital items.

Electrical Service Upgrade – Phase 1: Work will begin at the West end rotary, Buzzards Bay Park, Belmont Rotary and Town Hall in different stages.

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the Electrical Service Upgrade – Phase 1 in the amount of \$25,000.

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve Capital Outlay funding as presented by the Finance Director. **UNANIMOUS VOTE**

Administrator Guerino updated the Committee on the Pocasset Fire Station. Cost for the windows and other energy efficient items are up to \$30,000 per contractor. Recommend not spending at this time.

Administrator Guerino said he doesn't foresee ISWM paying for the DPW facility due to the financial situation. DPW facility is in far worse condition than the Pocasset Fire Station. The site evaluation for the DPW didn't go to the next phase due to the economy. The Highest and Best Use Study will give a better understanding on the use of the property.

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the spreadsheet as changes were made for Town Meeting warrant. **UNANIMOUS VOTE**

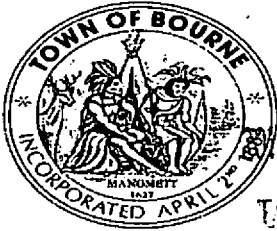
**Police Site Evaluation:**

Discussed the number of parking spaces and if there would be sufficient amount. John O'Brien will get in touch with Police Chief Baldwin to see how many parking spaces he feels would be adequate for the new station.

**Approval of minutes:**

Ken Legg made a **MOTION** and **SECONDED** by William Ware to approve the minutes of March 25, 2010 as presented. **VOTED 4-0** John Redman abstained

Meeting adjourned at 4:05 P.M.



# CAPITAL OUTLAY COMMITTEE

TOWN CLERK'S OFFICE

## Meeting Notice



### Date

Wednesday  
April 21, 2010

### Time

4:00 PM


### Location

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Upper Conference Room

## AGENDA

- 1) Approve minutes
- 2) FY11 Capital Plan
  - Discussion on STM Articles 1 and 5
- 3) Police Site Evaluation
- 4) Task Updates
  - Police Site Evaluation
  - CPA Funding
  - Facilities Manager
  - Grant Funding
  - Highest & Best Use
- 5) Such other business that may legally come before the Committee
- 6) Public Comment

**Residents are welcomed and encouraged to attend our meetings**

  
Mary Jane Mastrangelo  
Chairman  
Date: April 15, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Wednesday, April 21, 2010 - 4:00 P.M.**  
**Bourne Town Hall**  
**24 Perry Avenue, Buzzards Bay**

Members present: Chairman Mastrangelo, John O'Brien, Ken Legg, William Ware, John Redman

Others Present: Town Administrator Thomas Guerino, Finance Committee member Elinor Ripley, Police Chief Baldwin, Jim Mulvey and Paul Gately from the Bourne Courier.

Chairman Mastrangelo called the meeting to order at 4:00 P.M.

Discussed Article 1 of Special Town Meeting- RR crossing at Monument Beach. No position taken as total cost unknown at this time.

Article 5. Roof of Historic Center. After discussion MSP Unanimously to recommend a positive vote on this article with an eye to proceeding in the most economical manner.

Ken Legg was appointed to the Efficiency/Operations Committee.

Bill Ware will take over responsibility for seeking out Grant Funding opportunities.

Brian Yergatian of BSC Group participated in discussion of McArthur Blvd (school) Police Station Site. The difficulty with this site is primarily that it requires extensive site preparation, a cost that may be avoided at other sites. It also affords limited public parking.

It was decided that we would look at 3 options:

- 1) the McArthur Blvd. (school) site
- 2) The McArthur Blvd (golf/driving range) site
- 3) Coady School.

Tom Guerino to ask Cecil Group for quick and dirty on use of Coady School. Also to look at similar conversions in N. Attleboro, Sherbourne and Deerfield.

John O. and John R. to look into the driving range site.

Ken Legg acknowledged M.J. for providing the leadership and vision that has allowed the COC to accomplish what it has over the past 3 years.

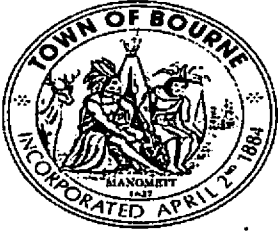
Adjourned

Respectfully,

Ken Legg

TOWN CLERK'S OFFICE

2010 JUL 22 PM 11 20



# CAPITAL OUTLAY COMMITTEE



## Meeting Notice

**Date**

Tuesday  
May 11, 2010

**Time**


7:00 PM

**Location**

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

## AGENDA

1. ISWM Business Plan
2. Any other business to come before the Committee.

  
Mary Jane Mastrangelo  
Chairman  
Date: May 7, 2010

2010 MAY 7 PM 3 01  
TOWN CLERK'S OFFICE  
BOURNE, MASS

**Capital Outlay Committee**  
**Tuesday May 11, 2010 7:30 P.M.**  
**Bourne Veterans' Memorial Community Center**  
**239 Main Street, Buzzards Bay**

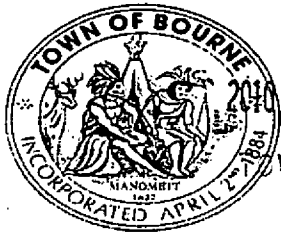
Capital Outlay Committee members Ken Legg, Mary Jane Mastrangelo, John Redman and Bill Ware attended the Board of Selectman's Meeting on May 11, 2010 to hear a presentation regarding the updating of the ISWM Business Plan at 7:30 pm.

No motions were made and no votes were taken.

Respectfully submitted,

Mary Jane Mastrangelo  
Chair

2010 JUL 22 AM 11 21  
TOWN CLERK'S OFFICE



MAY 12 AM 9 16  
**CAPITAL OUTLAY  
COMMITTEE**

TOWN CLERK'S OFFICE  
BOURNE, MASS



## Meeting Notice

**Date**

Wednesday  
May 19, 2010

**Time**

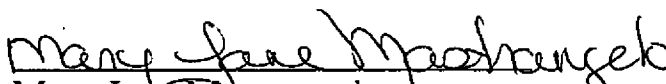
4:00 PM

**Location**

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

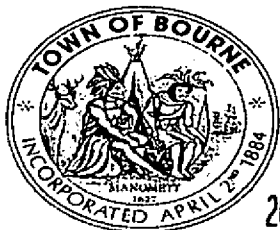
## AGENDA

Capital Outlay Committee attending the meeting of ISWM Business Model  
Working Group

  
Mary Jane Mastrangelo  
Chairman  
Date: May 12, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino





## CAPITAL OUTLAY COMMITTEE



2010 MAY 12 AM 10 33

TOWN CLERK'S OFFICE  
Bourne, Mass  
**Meeting Notice**

**Date**

Wednesday  
May 19, 2010

**Time**

4:00 PM

**Location**

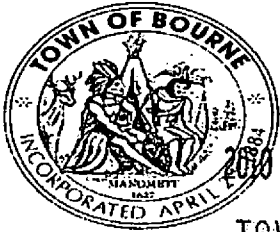
Bourne Veterans' Memorial  
Community Center  
239 Main Street, Buzzards Bay

### AGENDA

Capital Outlay Committee attending the meeting of Bourne Landfill Business Model Working Group

*Mary Jane Mastrangelo*  
Mary Jane Mastrangelo  
Chairman  
Date: May 12, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



## CAPITAL OUTLAY COMMITTEE

2010 MAY 26 PM 3 33

TOWN CLERK'S OFFICE

BOURNE, MASS

### Meeting Notice



#### Date

Thursday  
June 3, 2010

#### Time

7:00 PM

#### Location

Bourne Middle School  
77 Waterhouse Road, Bourne  
Library Media Center

### AGENDA

Capital Outlay Committee attending the Joint Meeting between the Board of Selectmen, Board Of Health, Finance Committee, ISWM and George Aronson

*Mary Jane Mastrangelo*  
Mary Jane Mastrangelo  
Chairman

Date: May 26, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Thursday, June 3, 2010 7:00 P.M.**  
**Bourne Veterans' Memorial Community Center**  
**239 Main Street, Buzzards Bay**

Members present: Mary Jane Mastrangelo, John Redman and Bill Ware

Members excused: Ken Legg and John O'Brien

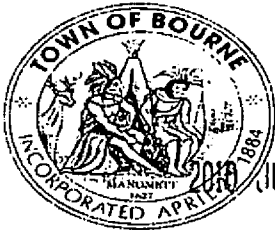
A quorum of members of the Capital Outlay Committee attended the joint meeting between the Board of Selectmen, Board of Health, Finance Committee, ISWM and George Aronson on June 3, 2010 from 7:00 P.M. to 9:05 P.M.

No motions were made and no votes were taken.

Respectfully submitted,

Mary Jane Mastrangelo  
Chair

2010 JUL 22 AM 11 21  
TOWN CLERK'S OFFICE  
BUZZARDS BAY, MA 01920



## CAPITAL OUTLAY COMMITTEE



JUN 10 PM 2 10  
TOWN CLERK'S OFFICE  
Meeting Notice

**Date**

Tuesday  
June 15, 2010

**Time**

3:00 PM


**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

### AGENDA

- 1) Approval of minutes: 4/7/10; 4/21/10; 5/11/10 and 6/3/10
- 2) Highest and Best Use Study – Bill Pasturzek, Shepherd Associates
- 3) Vote to excuse members not attending any meetings posting in concurrence with Bourne Landfill Business Model Working Group
- 4) Police Site Evaluation discussion
- 5) Any other business to come before the committee

**Residents are welcomed and encouraged to attend out meetings**

  
Mary Jane Mastrangelo  
Chairman

Date: June 10, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Tuesday, June 15, 2010 / 3:00 P.M.**  
**Bourne Town Hall – Upper Conference Room**  
**24 Perry Avenue, Buzzards Bay**

2010 JUL 29 AM 11 36

**TOWN CLERK'S OFFICE**

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

Others Present: Finance Committee member Elinor Ripley, Town Planning Coreen Moore, Police Chief Baldwin, Bill Pasturzek from Shepherd Associates and Paul Gately from the Bourne Courier.

**Approval of minutes:**

John Redman made a **MOTION and SECONDED** by Ken Legg to approve the minutes of April 7, 2010 as presented. **UNANIMOUS VOTE**

John Redman made a **MOTION and SECONDED** by Ken Legg to approve the minutes of April 21, 2010 as presented. **UNANIMOUS VOTE**

John Redman made a **MOTION and SECONDED** by Ken Legg to approve the minutes of May 11, 2010 as presented. **UNANIMOUS VOTE**

John Redman made a **MOTION and SECONDED** by Ken Legg to approve the minutes of June 3, 2010 as presented. **UNANIMOUS VOTE**

**Highest and Best Use Study – Bill Pasturzek from Shepherd Associates**

Highest and Best Use summary as follows:

- 1) Administration Building: Retain building for town businesses, educational and/or non-profit use
- 2) Headquarters Fire Station: Retain building for sale as development
- 3) Police Station: Retain building for sale as development. Land value does not exceed value as improved
- 4) Station 4 Fire Station (Pocasset): Retain building – Land value does not exceed value as improved.
- 5) Station 2 Fire Station (Monument Beach): Retain building – Land value does not exceed value as improved and is not suited for a Fire Station. Building would make sense to

have someone purchase and not raze building. First floor is used for garaging of fire trucks. Potential buyer could use building as mixed use.

- 6) Hoxie School: Retain building for educational purposes or housing development. Buyer could convert to Affordable Housing and/or Elderly Housing. Half of the building is below grade and make it less desirable. Land value does not exceed value as improved. Town to retain parcel that consists of ballfield and/or playground.
- 7) Coady School: Retain building for educational purposes or housing development. Buyer could convert to Affordable Housing and/or Elderly Housing. Land value does not exceed value as improved. Town to retain parcel that consists of ballfield/or playground. Gym is used frequently by the Bourne Recreation Department.

Chairman Mastrangelo read and discussed with the committee a letter that she received written by a citizen that suggested moving the Library to the Coady School and move Police Station to the Library.

Discussed the care and custody of both buildings and will suggest to the Board of Selectmen to put buildings on market to sell right away. Before disposal of any town building, there needs to be a joint meeting with the Board of Selectmen, Planning Board and Conservation Commission to see if they have any use for the building. Town Planning Coreen Moore said the Hoxie School was recommended for housing. There is a Request for Proposal (RFP) process to dispose of a building.

Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to recommend to the Board of Selectmen to dispose of the Hoxie School and Coady School for its maximum use and return in a timely manner. **UNANIMOUS VOTE**

John Redman made a **MOTION** and **SECONDED** by Ken Legg to return any proceeds due to the sale back to capital projects. **UNANIMOUS VOTE**

#### **Vote to excuse members not attending any meetings posting in concurrence with Bourne Landfill Business Model Working Group**

These meetings are not a requirement but members may attend. According to new changes to the Open Meeting Law, a deliberation is defined as "a verbal exchange between a quorum of members of a governmental body". A meeting would required to be posted if there could possibly be a quorum.

Ken Legg made a **MOTION** and **SECONDED** by Bill Ware to excuse members if they weren't able to attend meeting. **UNANIMOUS VOTE**

#### **Police Station Evaluation**

Chairman Mastrangelo recused herself from participating in the Police Station evaluation discussion noting that under the new conflict of interest rules, a family member's job might pose a conflict.

Ken Legg made a **MOTION** and **SECONED** by Bill Ware voted to recuse Mary Jane Mastrangelo from the meeting. **UNANIMOUS VOTE**

Discussed property located near Go-Cart Track on MacArthur Blvd where there is a plan dividing property into 9 buildable lots with the last 4 lots ending in a cul-de-sac totaling approximately 4 acres. Owner of property would have to construct total road in order to use last 4 lots. Lots are marketed as "business" and an approximate cost of \$800,000 - \$900,000 for four (4) lots. Lots would start at approximately \$250,000 and increase in price depending on size of lot.

Discussed the town owned property behind the Middle School for the proposed Police Station with a site preparation cost of approximately \$400,000 - \$500,000.

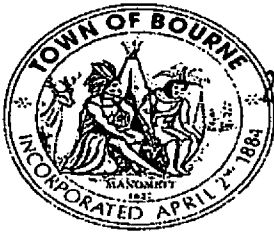
Also discussed a large piece of property near Stir Crazy on MacArthur Blvd but still talking purchasing vs. town owned.

John Redman made a **MOTION** and **SECONDED** by Ken Legg to have a discussion with the School Department and move forward with the Police Department facility on town property. **UNANIMOUS VOTE**

John Redman made a **MOTION** and **SECONDED** by Bill Ware to adjourn meeting at 4:05 P.M.

Respectfully submitted by:

Debbie Judge  
Recording secretary



2010 JUN 10 PM 2:10

# CAPITAL OUTLAY COMMITTEE

TOWN CLERK'S OFFICE

5/20/10

## Meeting Notice



### Date

Tuesday

June 15, 2010

### Time

4:45 PM

### Location

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

## AGENDA

1. Capital Outlay Committee attending the meeting of the Bourne Landfill Business Model Working Group
2. Any other business to come before the Committee:

Mary Jane Mastrangelo  
Chairman

Date: June 10, 2010

cc:

Town Clerk

Town Administrator

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

Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



2010 JUL 29 AM 11 36

**Capital Outlay Committee**  
TOWN CLERK'S OFFICE  
Bourne  
**Tuesday, June 15, 2010 4:45 P.M.**

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

Members present: Mary Jane Mastrangelo, John Redman, and Bill Ware

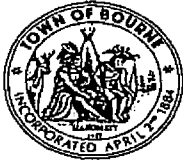
Members Excused: Ken Legg and John O'Brien

A quorum of Capital Outlay Committee members attended a meeting of the Bourne Landfill Working Group on June 15, 2010.

No motions were made and no votes were taken. Refer to the minutes of the Bourne Landfill Working Group.

Respectfully submitted by:

Mary Jane Mastrangelo  
Chairman



Barry H. Johnson  
Town Clerk

Town Clerk  
24 Perry Avenue  
Buzzards Bay, MA 02532  
(508) 759-0600 Ext 505



Wendy J. Chapman  
Asst. Town Clerk

June 2011

Capital Outlay Committee  
Mary Jane Mastrangelo  
PO Box 41  
601 Scraggy Neck Rd  
Cataumet, MA 02534

To : All Boards and Committees

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, the minutes for all meetings should be filed with the Town Clerk's Office. We have enclosed excerpt from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

Minutes missing

2010 01/13, 05/19

2011 3/8/11, 3/16/11, 3/23/11, 4/12/11

Your attention to this matter would be appreciated.

Sincerely,

Wendy J. Chapman  
Asst. Town Clerk

Town Clerk



Barry H. Johnson  
Town Clerk

June 2010

*Capital Outlay Committee*

Town Clerk  
24 Perry Avenue  
Buzzards Bay, MA 02532  
(508) 759-0600 Ext 505



Wendy J. Chapman  
Asst. Town Clerk

Pursuant to the Town Charter of 2001, the Town By-laws and the Mass. General Laws, minutes or all meetings should be filed with the Town Clerk's Office. We have enclosed except from the various laws for your reference. If your Board or Committee posted a meeting and the meeting was cancelled, please file with our office a notice to that effect stating that the meeting was not held and no minutes will be filed.

The following minutes have not been filed with our office:

2010

*Jan 13, Jan 21, Feb 10, March 8, April 21*  
*May 11, May 15, June 3, June 15*

2009

If you should have any questions, please contact our office.

Sincerely,

Town Clerk's Office

**Dastous, Anne**

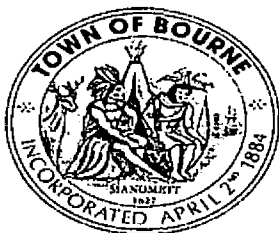
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**From:** Judge, Debbie  
**Sent:** Wednesday, July 07, 2010 4:05 PM  
**To:** Dastous, Anne  
**Subject:** Meeting cancellation

The Bourne Landfill Business Model Working Group and the Capital Outlay Committee had meetings posted for Thursday, July 8th at 6:00 PM. Both of these meetings have been cancelled due to Harvest Power having a conflict and were unable to do their presentation.

Debbie Judge  
Town Administrator's Office  
Town of Bourne  
508-759-0600 x503

2010 JUL 7 PM 4 34  
TOWN CLERK'S OFFICE



## CAPITAL OUTLAY COMMITTEE

### Meeting Notice



**Date**

Thursday  
July 8, 2010

**Time**

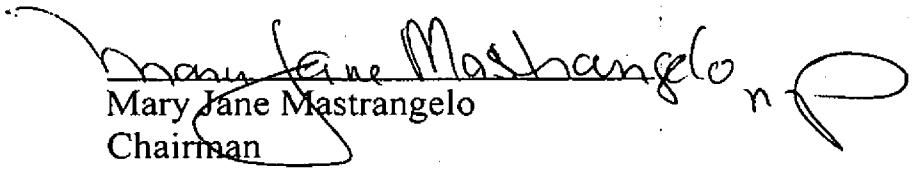
6:00 PM

**Location**

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

### AGENDA

1. Attend meeting of the Bourne Landfill Business Model Working Group.

  
Mary Jane Mastrangelo  
Chairman

Date: July 1, 2010.

cc: Town Clerk

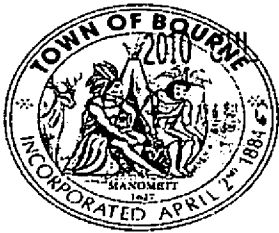
Town Administrator

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

Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

TOWN CLERK'S OFFICE

2010 JUL 1 PM 3 27



9 PM 3 36

CLERK'S OFFICE

## CAPITAL OUTLAY COMMITTEE



### Meeting Notice

**Date**

Tuesday  
July 13, 2010

**Time**


7:00 PM

**Location**

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

### AGENDA

1. Attend meeting of the Board of Selectmen regarding Capital Outlay Committee's recommendation of the Hoxie School and Coady School

  
Mary Jane Mastrangelo  
Chairman

Date: July 9, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**

2010 JUL 29 07:11:36  
**Tuesday, July 13, 2010 / 7:00 P.M.**

**Bourne Veterans' Memorial Community Center**  
TOWN CLERK'S OFFICE  
**239 Main Street, Buzzards Bay**

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

Members Excused: Ken Legg

A quorum of Capital Outlay Committee members attended a meeting of the Bourne Board of Selectmen on July 13, 2010 from 7:00 P.M. to 9:00 P.M. to make a presentation on the recommendation of the Capital Outlay Committee regarding the sale of Hoxie and Coady Schools.

No motions were made and no votes were taken. Refer to the minutes of the Bourne Board of Selectmen for details on the presentation. Attached is a copy of the PowerPoint Presentation handout at the meeting.

Respectfully submitted by:

Mary Jane Mastrangelo  
Chairman

**Capital Outlay Committee**  
**Tuesday, July 13, 2010 / 7:00 P.M.**  
**Bourne Veterans' Memorial Community Center**  
**239 Main Street, Buzzards Bay**

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

Members Excused: Ken Legg

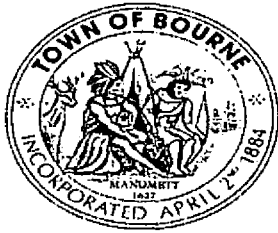
A quorum of Capital Outlay Committee members attended a meeting of the Bourne Board of Selectmen on July 13, 2010 from 7:00 P.M. to 9:00 P.M. to make a presentation on the recommendation of the Capital Outlay Committee regarding the sale of Hoxie and Coady Schools.

No motions were made and no votes were taken. Refer to the minutes of the Bourne Board of Selectmen for details on the presentation. Attached is a copy of the PowerPoint Presentation handout at the meeting.

Respectfully submitted by:

Mary Jane Mastrangelo  
Chairman





**CAPITAL OUTLAY**  
2010 JUL 28 AM 8 37  
**COMMITTEE**  
TOWN CLERK'S OFFICE



**Meeting Notice**  
**AMENDED**

**Date**

Thursday  
July 29, 2010

**Time**

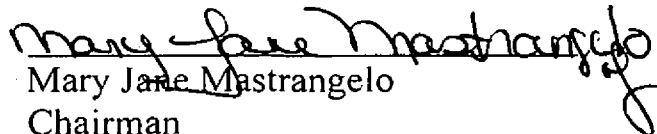
10:00 AM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532  
Upper Conference Room

**AGENDA**

1. Committee Reorganization
2. Approval of minutes: June 15, 2010, June 15, 2010 (ISWM Working Group meeting) and July 13, 2010
3. Discussion and possible vote on 5-Year Capital Plan Capital Projects Estimates
4. Discussion and possible vote on FY11 – School Bus Reserve Fund Transfer Approved by Finance Committee
5. Update on Tasks and Task Assignments
6. Discussion and possible vote on Highest and Best Use Reports
7. Discussion of future agenda items
8. Adjourn

  
Mary Jane Mastrangelo  
Chairman  
Date: July 22, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Tuesday, July 29, 2010 / 10:00 A.M.**  
**Bourne Town Hall – Upper Conference Room**  
**24 Perry Avenue, Buzzards Bay**

2010 OCT 29 PM 11 26  
TOWN CLERK'S OFFICE

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

Members Excused: Bill Ware

Others Present: Finance Director Linda Marzelli, Finance Committee member Elinor Ripley and Paul Gately from the Bourne Courier

**List of Documents**

- Cecil Group Estimates – 2009
- Facilities Manager for the Town of Bourne

**Committee Reorganization**

Ken Legg made a **MOTION** and **SECONDED** by John Redman to nominate Mary Jane Mastrangelo as Chairman. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John O'Brien to nominate John Redman as Vice-Chairman. **UNANIMOUS VOTE**

Mary Jane Mastrangelo made a **MOTION** and **SECONDED** by Ken Legg to nominate Bill Ware as secretary. **UNANIMOUS VOTE**

**Approval of Minutes**

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the minutes of June 15, 2010 as amended. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the minutes of June 15, 2010 as presented. **UNANIMOUS VOTE**

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the minutes of July 13, 2010 as presented. **UNANIMOUS VOTE**

**Discussion and possible vote on 5-Year Capital Plan Capital Project Estimates**

Handout was provided to members with the Cecil Group Estimates for 2009 as follows:

Police Station	\$ 7,640,000
DPW	\$ 7,900,000
South Side Fire Station	\$ 1,850,000
Station 1 Renovations/HQ Renovations	\$ 1,744,000
Sagamore HQ Renovations	\$ 187,000
Sub-total	\$19,321,000

Peebles School	\$33,480,000
Library Renovation and Expansion	\$ 11,372,000
Town Hall Exterior Repairs	\$ 315,630
Town Hall Renovations	\$ 740,370
Archives Building	<u>\$ 594,000</u>
Total	\$ 65,823,000

Hoxie School	\$ 734,000
Coady School	<u>\$ 1,296,400</u>
	\$ 2,030,400

There are differences in figures between Cecil Group and Shepherd Associates. Discussed taking Cecil Group figures and adding 5% to each year and incorporate into the 5-Year Long Term Capital Plan. This will make the figures more accurate.

Also, discussed whether the committee should ask department heads to provide 5-year inflation numbers on their capital plan. ISWM inflates their numbers when they submit their capital plan. After further discussion it is not recommended to have department heads give inflation numbers but to have inflation cost included on spreadsheet on the long-term projects.

There was no vote taken on the Capital Plan.

#### **Update on Tasks and Task Assignments**

- **DPW Facility:** John Redman offered to look at some DPW facilities and research cost of buildings since the \$7.9 million seems to be a high figure. Mr. Redman will meet with DPW Superintendent Rickie Tellier and move forward.
- **Police Site Evaluation:** John O'Brien will set up meeting with the sub-committee of the School Committee and they will report back to School Committee with their recommendations. Chairman Mastrangelo asked Mr. O'Brien to look into the use of the septic system at the Middle School.

The Capital Outlay Committee may need to defend their decision on where the new Police Facility is constructed. Some people may not want to go onto MacArthur Blvd to get to the Police Station vs. having to go into rotary and over Bourne Bridge.

- **Facilities Manager:** Ken Legg presented a handout for Facilities Manager which outlines some of their responsibilities to committee members. This would be huge cost savings for the town that needs to be coordinated. Mr. Legg will contact Town Planner Coreen Moore to find out how many municipal buildings there are. Mr. Legg will set up meeting with Superintendent of Schools prior to meeting with the Board of Selectmen. Position would be for all town buildings including schools. Schools need to be engaged in this discussion but haven't been forthcoming to this point.

Ken Legg said he is a member of the Efficiency Committee who met a week ago and they voted to support this position.

Ken Legg made a **MOTION** and **SECONDED** by John Redman to send Facilities Manager recommendation to the Board of Selectmen and Ken Legg will present to the Board of Selectmen and have them act on it. **UNANIMOUS VOTE**

- **5-Year Capital Plan:** Mary Jane Mastrangelo discussed using the land behind the Bourne Public Library. Will check with Tom Guerino on the CPC funding for windows. Chairman Mastrangelo to contract Donald Ellis on process to get the project moving forward.

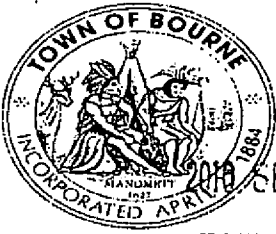
**Discussion and possible vote on FY11 – School Bus Reserve Fund Transfer Approved by Finance Committee**

School bus was set on fire and was a total loss. Finance Committee voted and approved a transfer for the School Department and is now waiting for a check from the Insurance Company. Town Meeting will have to vote money back to the Reserve Fund.

John Redman made a **MOTION** and **SECONDED** by Ken Legg to give their support for the transfer by the Finance Committee. **UNANIMOUS VOTE**

**Next meeting will be scheduled in September**

John Redman made a **MOTION** and **SECONDED** by Ken Legg to adjourn meeting at 11:10 A.M. **UNANIMOUS VOTE**



## CAPITAL OUTLAY COMMITTEE



SEP 17 PM 3 54  
TOWN CLERK'S OFFICE  
Bourne, MA

### Meeting Notice

**Date**

Wednesday  
September 22, 2010

**Time**

10:00 AM

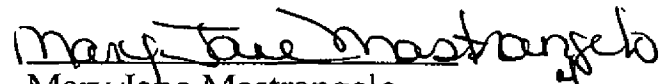
**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

### AGENDA

- 1) Approval of minutes: 7/29/10
- 2) Task Updates:
  - D.P.W. – John Redman
  - Police Station – John O'Brien
  - Facilities manager – Ken Legg
  - Fire Stations – Bill Ware
  - Long Term Plan/CPC – MJ Mastrangelo
- 3) Discussion of FY11 Planning Schedule and Priorities
- 4) Discussion on Fall 2010 STM Capital Items
- 5) Discussion of future agenda items
- 6) Adjourn

**Residents are welcomed and encouraged to attend out meetings.**

  
Mary Jane Mastrangelo  
Chairman

Date: September 17, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Wednesday, September 22, 2010 / 10:00 A.M.**  
**Bourne Town Hall – Upper Conference Room**  
**24 Perry Avenue, Buzzards Bay**

2010 OCT 29 AM 11 25  
TOWN CLERK'S OFFICE

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

Others Present: Finance Director Linda Marzelli, Finance Committee member Elinor Ripley

**List of Documents**

- Bourne DPW Feasibility Study – Cost Estimate

**Task Updates:**

**John Redman – DPW Facility:** DPW Superintendent Rickie Tellier and Mr. Redman visited the Towns of Dennis and Chatham to view their facilities. They have similar vehicle storage, parts storage, office space etc. Both towns are different in size as compared to Bourne. Chatham built their facility for approximately \$5million and Dennis built their facility for approximately \$4.1 million.

Mr. Redman spoke with a representative from Gannet Flemming who prepared Feasibility Study for Bourne and Wally Tonazuck who did consulting/Clerk of the Works for Chatham. The number of employees would also have a bearing on the size of facility. Recommend setting up a meeting with Gannet Flemming to see what the needs are to get a good facility.

Suggest putting the fuel docks at the DPW and not at the new police facility. There are 2 SPED buses that uses fuel from the town, most DPW vehicles use diesel. Need analysis for the other departments that would be using fuel dock.

**John O'Brien – Police Facility:** Looked at plans and questioned why the Police Department has fuel docks that fuel all vehicles. There should be no other vehicles or school buses fueling up at the Police Station due to the lack of room on the site. Is there a need to have a fuel dock at the Police Facility if there is going to be a fuel dock at the DPW facility in Bournedale? Mr. O'Brien will look into.

Chairman Mastrangelo said there is not enough time to put the Police Department facility on the Special Town Meeting warrant in October. Committee can work towards placing the Police Department facility on the Special Town Meeting warrant at the Annual Town meeting in May.

The holding tank for the Bourne Middle School holds liquid waste only. Solid waste goes into a separate holding tank. John O'Brien will look into.

**Chairman Mastrangelo - Long Term Plan/CPC:**

Chairman Mastrangelo attended the School Committee – Facility Subcommittee meeting to discuss land for new Police Department facility. The School Committee – Facility Subcommittee

as well as the School Committee needs to be placed on a future agenda to allow them to participate and provide input.

Gathering quotes for windows but nothing can be done until spring.

**Ken Legg – Facilities Manager:** Efficiency / Operations Committee voted to support the need of a Facilities Manager and send letter to the Board of Selectmen. Mr. Legg will make presentation to the Selectmen when placed on agenda.

Chairman Mastrangelo suggested setting up a meeting with Town Administrator Guerino and School Superintendent LaMarche to discuss what is best for the school and how it would benefit the town to save money. Facilities Manager is a priority for the town, but schools must be included.

**Bill Ware – Fire Stations:** Site of new sub-fire Station to be located on town land on County Road and get rid of Pocasset Fire Station and Monument Beach Fire Station. Discussed whether to renovate Headquarters or construct sub-station. The number of calls from Buzzards Bay is 60%. Relocating Administration functions from Headquarters to Sagamore Fire Station was also discussed. Renovating the current Headquarters in Buzzards Bay is not recommended since it's in a flood zone and don't want to put money into it.

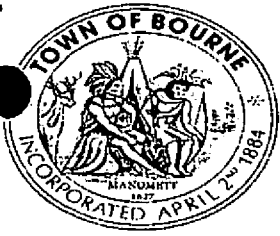
Recommend seeing how the issues are viewed by the Fire Department for relocating Headquarters in the Sagamore Fire Station. Then a meeting needs to be set up for Acting Fire Chief Doucette to come before the Capital Outlay Committee.

Need to find out why the Officer on Duty has to respond to all calls. This could be different if Headquarters was relocated to Sagamore.

**Discussion of Future Agenda Items:**

- RFP for Hoxie and Coady Schools
- Structural Engineer's report on Coady School to see if building is structurally sound
- Recommend sending letter from Capital Outlay Committee to Board of Selectmen on status of Coady School
- Chairman Mastrangelo to contact John Ford to be placed on the Board of Selectmen's agenda regarding update on Capital Outlay Committee's recommendation
- Next Capital Outlay Committee meeting is scheduled for October 14<sup>th</sup> @ 10:00 A.M.
- Update on all capital projects at November meeting

John Redman made a **MOTION** and **SECONDED** by Ken Legg to adjourn meeting at 11:05 A.M. **UNANIMOUS VOTE**



2010 OCT 8 AM 10:00  
**CAPITAL OUTLAY  
COMMITTEE**

TOWN CLERK'S OFFICE  
**Meeting Notice**



**Date**

Thursday  
October 14, 2010

**Time**

10:00 AM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

**AGENDA**

- 1) Approval of minutes: 7/29/10 & 9/22/10
- 2) Highest and Best Use Study  
Update on Hoxie and Coady – including RFP's and letter from Bourne Society for Historic Preservation  
Discussion on other reports and recommendations
- 3) Task Updates:  
D.P.W. – John Redman  
Police Station – John O'Brien  
Facilities Manager – Ken Legg  
Fire Stations – Bill Ware  
Long Term Plan/CPC – MJ Mastrangelo  
  
Should Capital Outlay have a future task on Wastewater Treatment?
- 4) Discussion of FY11 Planning Schedule and Priorities
- 5) Discussion of future agenda items
- 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 Jane Mastrangelo*  
Mary Jane Mastrangelo  
Chairman  
Date: October 8, 2010

Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino



**Capital Outlay Committee**  
**Thursday, October 14, 2010 / 10:00 A.M.**

2010 DEC 29 P Bourne Town Hall – Upper Conference Room  
24 Perry Avenue, Buzzards Bay  
TOWN CLERK'S OFFICE

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

Others Present: Finance Committee member Elinor Ripley, Paul Gately from the Bourne Courier

**Approval of Minutes:**

Ken Legg made a **MOTION** and **SECONDED** by John Redman to approve the minutes of July 29, 2010 as presented. **UNANIMOUS VOTE**

Ken Legg made **MOTION** and **SECONDED** by John Redman to approve the minutes of September 22, 2010 as presented. **UNANIMOUS VOTE**

**Highest & Best Use Study:**

**Update on Hoxie and Coady Schools including REP's and letter from Bourne Society for Historic Preservation**

Chairman Mastrangelo asked for a copy of the Structural Report on Coady School that was prepared by Michele Cudilo, P.E. Consulting Structural Engineer. Copy of report will be scanned and sent to members.

Bourne Society for Historic Preservation sent a letter to the Board of Selectmen and to the Capital Outlay Committee regarding their concerns with a possible sale or destruction of the Coady School. They offered suggestions on how the Coady School could be used. Application has been made to place the property on the National Register of Historic Places because of its historic and architectural significance to the Town of Bourne.

Committee members continued to discuss the Coady School. The Capital Outlay Committee made their position clear from the beginning that the building is not cost efficient to the town. Chairman Mastrangelo will respond to letter.

There is an article on the Special Town Meeting Warrant for funding appropriation to heat the Hoxie School for basketball. Need to know 1) who is going to operate the building; 2) who would be responsible if there is any vandalism to the building and 3) who would be in charge of securing the building.

Recommend putting out an RFP (Request for Proposal) to see if anybody might be interested in purchasing the building. Highest & Best Use report said the buildings could be used for possible multi-family or non-profit but would need to acquire a variance or Special Permit. Chairman Mastrangelo will ask the Town Administrator if the RFP for both the Hoxie School and Coady School can be on the Board of Selectmen's agenda.

If somebody wants to purchase the building, does this include the baseball field? Fields are the property of the School Committee.

**Task Updates:**

**John Redman – DPW Facility:** It appears that Gannet Flemming is no longer involved with the facility process. Mr. Redman said he was hoping that Rickie Tellier, Gannet Flemming, Administrator Guerino and himself could get together to clear up what is the next step with the facility.

Committee discussed the funding of the DPW facility, which has to be funding by ISWM with the approval by the Department of Revenue. Host Community Fee and Administration Fee, which the town receives from ISWM has been reduced over the last several years. Problem is the cost per ton is too low to put towards capital.

Excess Host Community Fee should go to Capital Stabilization Fund at approximately \$457,000 and designated for DPW or ISWM capital expenditures.

Profit centers: Landfill, C&D and Recycling

Bill Ware said there is an additional 20± acres that can be expanded at ISWM and want to make sure that this isn't forgotten. It makes sense to make a purchase from the Enterprise Fund.

Capital Outlay Committee will be ready to present the Highest & Best Use figures, funding priority and reason why at next Annual Town Meeting. Committee has come a long way at this point.

**John O'Brien – Police Department:** Treatment Plant at the Middle School takes liquids only. Can't find out why it was built that way. There shouldn't be an issue with the Police Station being at this site.

At a previous meeting with the Police Chief Baldwin, he felt that fueling police vehicles should be at the police station. It would be a waste of time fueling police vehicles at a different location. There should be a small fuel dock site at the police station.

Capital Outlay Priority list:

- ❖ Police Department
- ❖ DPW Facility
- ❖ Fire Station
- ❖ Peebles Elementary School

**Ken Legg – Facilities Manager:** Met with the School Superintendent yesterday who is 100% behind the Capital Outlay Committee. Need to work with School Committee and this will be brought up at their next meeting. Recommend bringing forward to the Board of Selectmen when there is a plan. Facilities Manager position should have an Engineering background, management and experience with supervising contractors. Position is for all departments, grounds and maintenance and will be more efficient and cost effective to the town. It has been reported that

towns that have a Facilities Manager are very enthusiastic at the cost savings. Ken and Bill will provide a spreadsheet showing cost savings.

**Mary Jane Mastrangelo – 5-Year Capital Plan:** Funding for the Town Hall roof that was appropriated several years ago hasn't been done yet.

Town Hall windows won't be done until next spring. This is another reason why we need a Facilities Manager.

Cape Cod Collaborative has moved out of the Lyle School. This is another building that needs to be turned over to the base.

**Bill Ware – Fire Station:** Mr. Ware asked if Acting Fire Chief Doucette met with the Capital Outlay Committee? Both the Police Chief and Acting Fire Chief met with the committee approximately 2 years ago. Mr. Ware will be meeting with the Fire Chief to discuss the following: 1) update concerns and find out why Headquarters needs to remain in Buzzards Bay, 2) how the Highest & Best Use impacts the use of the existing buildings vs. constructing new substations on the south side, 3) renovate or purchase land for the Buzzards Bay Station and 4) relocate Administration from the Buzzards Bay Station to Sagamore Station and construct new substation (by using same plan as the south side substation) or keep existing building.

It was also discussed as another option to have a Police substation in the Sagamore Fire Station Station by creating a small office area.

It was discussed whether or not to wait until the Town gets a new Fire Chief. Recommendation is to meet with the Fire Chief and get his perspective, understanding and their thinking.

**Should Capital Outlay have a future task on Wastewater Treatment?**

Chairman Mastrangelo said looking on as a Finance Committee member, at their last meeting Bill Locke gave a presentation on Wastewater. This is a huge cost, and as a committee, how should we look at this? It was recommended several years ago that \$20,000 to be put on hold. Initial study was for Wastewater Treatment Plant at the Bournedale School location.

**Discussion of FY11 Planning Schedule and Priorities:**

Will start meeting on capital requests from departments in late December or January.

Capital Outlay Committee recommends using Cecil Group numbers and increase 5% for each year beginning the year 2010 forward.

John O'Brien made a **MOTION** and **SECONDED** by Ken Legg to use 5% simple as last number in project. Use 2010 base numbers for major capital project items in the long-term plan.  
**UNANIMOUS VOTE**

**Discuss Future Agendas:**

Work on Long-Term Plan

Administrator Guerino said the Board of Selectmen need additional information on the estimate renovation costs for the Coady School ie: rewiring, new heating system, Handicap accessibility and lead/asbestoses abatement. Chairman Mastrangelo was going to the next Selectmen's meeting and speak on non-agenda items relative to the Coady School. Administrator Guerino suggested that the Chairman speak at the 11/9 meeting due to the length of the next week's agenda.

Mr. Redman suggested and the Town Administrator agreed to bring up under his report the RFP for both the Coady and Hoxie Schools.

Chairman Mastrangelo said she is not in favor of demolishing the Coady School. Put out RFP to preserve building but not at the towns expense.

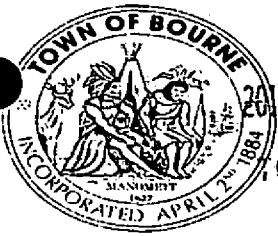
Bill Ware made a **MOTION** and **SECONDED** by John Redman to recommend that the Capital Outlay Committee encourage responses to the RFP to see how the building would be used and funded. **UNANIMOUS VOTE**

Next meeting is scheduled for November 10, 2010 at 10:00 A.M.

Bill Ware made a **MOTION** and **SECONDED** by Ken Legg to adjourn the meeting at 11:32 A.M.

Respectfully submitted by:

Debbie Judge  
Recording Secretary



2010 DEC 1 PM 1:20  
TOWN CLERK'S OFFICE  
COUNCIL  
**CAPITAL OUTLAY  
COMMITTEE  
Meeting Notice**



**Date**

Monday  
December 6, 2010

**Time**

6:00 PM

**Location**

Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay  
Upper Conference Room

**AGENDA**

- 1) Approval of minutes: 10/14/10
- 2) Discussion of Long Term Capital Plan
- 3) Discussion of future agenda items
- 4) 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*  
Mary Jane Mastrangelo  
Chairman  
Date: December 1, 2010

cc: Town Clerk  
Town Administrator  
Committee: Mastrangelo, Legg, O'Brien, Ware and Redman  
Notify: Moore, Ripley, Finance Director Marzelli, Administrator Guerino

**Capital Outlay Committee**  
**Monday, December 6, 2010 / 6:00 P.M.**  
**Bourne Town Hall – Upper Conference Room**  
**24 Perry Avenue, Buzzards Bay**

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

Others Present: Administrator Guerino, Finance Committee member Elinor Ripley, Paul Gately from the Bourne Courier

**Approval of Minutes:**

John Redman made a **MOTION** and **SECONDED** by Bill Ware to approve the minutes of October 14, 2010 as presented. **UNANIMOUS VOTE**

**List of Documents:**

Draft copy of the Capital Outlay Program Request (12 pages)

**Discussion of Long Term Capital Plan**

There are areas on the Capital Improvement Plan that need to be discussed such as the Archives Building needs work but is not on the list. Projects that are on the Capital Improvement Plan, including the Department of Public Works facility totals \$65,430,000 will probably be debt exclusion. Total without the DPW Facility is \$57,530,000. Need to think of the town's best interest when thinking about funding the Long Term Plan.

Also discussed why the Library is included in the plan in the amount of \$11,372,000 if the project according to the Cecil Report is not going to be done in the near future. Their report shows Renovation and Expansion Design Phase starting in FY2017 with construction phases in FY2018-FY2019. It was agreed to remove the Library from the plan and have them identify 5 major issues of concern that should be included in the plan.

Need to identify items that should be included in the plan so Linda can come up with a schedule for debt exclusion.

**Task Updates:**

**John Redman – DPW Facility:** Recommend preliminary plan to Town Meeting in the spring. Need to have management approach more than management planning.

Administrator Guerino said the DPW Facility is 1<sup>st</sup> priority but there are funding questions. Several members of the Board of Selectmen feel that this is also a top priority.

How much can ISWM support the facility? They have their own items and don't know if they can also offset cost of the DPW facility. It is suggested that the DPW stand on their own at this time.

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Chairman Mastrangelo said if we are going to present to voters at Town Meeting, recommend putting both projects together as part of the FY2012 Capital Plan (DPW \$7,400,000 and Police \$7,140,000). There is approximately \$60,000 remaining in the DPW Feasibility Study that might be applied toward construction of the DPW facility. Will need to have justification for Town Meeting.

It was discussed that possibly the DNR, Engineering and Inspection Department could move into the existing DPW facility. ISWM suggested that they don't need the DPW off site of another 8 years.

Chairman Mastrangelo would also like to see comparisons with other towns such as Chatham. Administrator Guerino said the Capital Outlay Committee and the Finance Committee would need to get the support of the Board of Selectmen. Need to have everybody behind the plan before it goes to Town Meeting.

**John O'Brien - Police Department:** Will tour the Police Station in Mashpee to see square footage and concept of what we would like to put on site. Mr. Ware said that Fire Chief Baker from Mashpee will be more than happy to give a tour of the Fire Station.

**Mary Jane Mastrangelo - 5-Year Capital Plan:** The security system at the schools will not be going forward at this time. Estimates came in higher than expected.

Additions/renovations at the Peebles School will remain in FY2015. There will be a vote needed next year to get on the list. This will be worked out with the schools.

**Bill Ware - Fire Station:** Fire Chief's view for the Buzzards Bay Fire Station is to be used more than a satellite station. Fire Chief said the idea of the Administration moving to the Sagamore Fire Station is not supported. Suggested getting the Pocasset/Monument Beach stations finalized first and then deal with Buzzards Bay.

Mr. Ware suggested seeing what the satellite station is like on County Road with combining the Pocasset and Monument Beach Stations and to leave this on the table for discussion purposes at the present time. No administration at the proposed Pocasset Station.

Chairman Mastrangelo suggested putting the Feasibility Study of the Pocasset Fire Station to FY14. Administrator Guerino said that new roof and other cost were just put into the Buzzards Bay Fire Station, which will last for another 5 - 8 years. There are other structure problems with the Fire Station Headquarters i.e.: carrying beam has started to deteriorate; wood casing around windows has started to collapse and this is the reason the windows couldn't be replaced and loss of bricks. Need to separate the bunk space between the men's and ladies at Headquarters with approximate cost of \$46,000.

It is estimated with borrowing \$8million with interest over 20 years; it would cost tax payers approximately \$44 per year.

It was discussed to remove the Buzzards Bay (Station 1) rehab in the amount of \$300,000 from the spreadsheet. Administrator Guerino said he will check with the Upper Cape Regional School to see if they can do the roof/repairs at the Monument Beach Fire (Station 2).

It was discussed to change the cost of the Buzzards Bay Fire Station from \$2,194,000 to \$2,500,000 and leave the \$300,000 for the land. Also discussed was to start increasing the future request cost beginning in FY2012 by 5%.

Mr. Redman suggested that someone contact President Senator Murray's Office to see if there may possibly be any funding available.

**Discussion of future agenda items:**

- Will start reviewing capital requests after the first of the year.
- Administrator Guerino told the committee that we need to look at additional room at Town Hall.
- Ken Legg will away from after Christmas until February 11, 2011.
- Next meeting is scheduled for Wednesday, January 12, 2011 at 9:00 A.M.

Ken Legg made a **MOTION** and **SECONDED** by John Redman to adjourn the meeting at 7:20 P.M.

Respectfully submitted by:

Debbie Judge  
Recording Secretary



**Bourne Charter Review Committee  
Inaugural Meeting - August 18, 2010  
Bourne Veterans Community Center  
Minutes**

The initial meeting was chaired by Town Administrator, Thomas Guerino. All appointed members of the Committee were present.

Mr. Guerino asked that members introduce themselves and provide a brief biography. An attendance sheet with contact information was signed by each member of the Committee. The members also participated in a short "ice-breaking" exercise.

Mr. Guerino handed out copies of the requirements of the updated Open Meeting Law, Attorney Troy's opinion related to compliance measures for the Open Meeting Law, and an opinion rendered by Mr. Troy that was provided to the previous Charter Committee relative to the duties and boundaries of a Charter Committee. Additionally, Mr. Guerino stated that each member would receive a copy of the current Charter and the report of the previous Charter Committee.

The Committee discussed meeting times and dates and concluded that the Committee would meet next Wednesday at 7:00. It was requested that the Administrator contact Ms. Fulco, Ms. Ford, and Mr. Miller and request they attend the meeting of the 25<sup>th</sup> to provide background information regarding the last Charter Committee. Additionally, the Committee was interested to know what topics the former Committee was planning to address but was unable to due to time constraints.

It was decided that the Committee would formally organize at the next meeting (8/25/10). Members who wish to serve in the capacity of Chair, Vice-Chair, or Clerk should submit intentions to the attention of the Town Administrator.

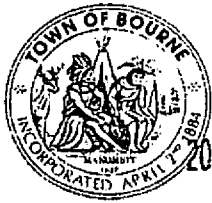
The meeting adjourned at 8:47 P.M.

Respectfully submitted,

Thomas M. Guerino, Town Administrator

TOWN CLERK'S OFFICE

2010 AUG 26 PM 9 38



2010 AUG 13 PM 2 52



TOWN CLERK'S OFFICE  
**CHARTER REVIEW COMMITTEE**

**MEETING NOTICE**

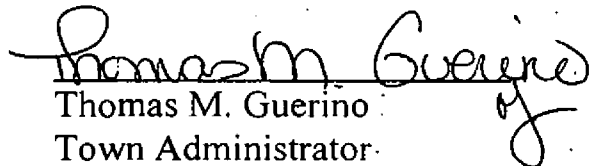
**Date**  
Thursday  
August 19, 2010

**Time**  
7:00 P.M.

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

**AGENDA**

- 1) Initial meeting of members
- 2) Review of Open Meeting Law
- 3) Review of Town Counsel's opinion from 2005
- 4) Adjourn

  
Thomas M. Guerino  
Town Administrator

Date: August 13, 2010

SEP 1 AM 10 05

TOWN CLERK'S OFFICE

**Bourne Charter Review Committee  
Inaugural Meeting - August 19, 2010  
Bourne Veterans Community Center  
Minutes**

The initial meeting was chaired by Town Administrator, Thomas Guerino. All appointed members of the Committee were present.

Mr. Guerino asked that members introduce themselves and provide a brief biography. An attendance sheet with contact information was signed by each member of the Committee. The members also participated in a short "ice-breaking" exercise.

Mr. Guerino handed out copies of the requirements of the updated Open Meeting Law, Attorney Troy's opinion related to compliance measures for the Open Meeting Law, and an opinion rendered by Mr. Troy that was provided to the previous Charter Committee relative to the duties and boundaries of a Charter Committee. Additionally, Mr. Guerino stated that each member would receive a copy of the current Charter and the report of the previous Charter Committee.

The Committee discussed meeting times and dates and concluded that the Committee would meet next Wednesday at 7:00. It was requested that the Administrator contact Ms. Fulco, Ms. Ford, and Mr. Miller and request they attend the meeting of the 25<sup>th</sup> to provide background information regarding the last Charter Committee. Additionally, the Committee was interested to know what topics the former Committee was planning to address but was unable to due to time constraints.

It was decided that the Committee would formally organize at the next meeting (8/25/10). Members who wish to serve in the capacity of Chair, Vice-Chair, or Clerk should submit intentions to the attention of the Town Administrator.

The meeting adjourned at 8:47 P.M.

Respectfully submitted,

Thomas M. Guerino, Town Administrator

TOWN CLERK'S OFFICE  
2010 SEP 1 AM 10 05

**CHARTER COMMITTEE**

**August 25, 2010**

**7:00 p.m.**

**Bourne Veterans Memorial Community Center**

**AGENDA**

1. Call Meeting to Order
2. Organization
  - a. Chair
  - b. Vice Chair
  - c. Clerk
3. Minutes
4. Review of previous charter commission work from the perspective of Lucia Fulco, Charlie Miller, Michelle Ford
5. Next Meeting Agenda
6. Adjourn

2010 AUG 20 PM 2 18  
TOWN CLERK'S OFFICE  
Bourne, MA 01939

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

August 25, 2010

Bourne Veterans Memorial Community Center

2010 SEP 30 AM 11 53

TOWN CLERK'S OFFICE

RECEIVED

## Members in Attendance

William F. Rhatigan  
Jacqueline M. Loring  
Joyce Lorman  
John A. Johnson  
Neil F. Langille  
Malcolm Parker McDowell  
Wesley Ewell  
Judith W. Conron  
Stephen P. Mahoney

## Others in Attendance

Thomas Guerino, Town Administrator  
Charles Miller (by invitation)  
James Mulvey  
Paul Gateley, Bourne Courier  
Diana Barth, Bourne Enterprise

Town Administrator Guerino called the meeting to order at 7:02 PM with all members present.

Mr. Guerino advised all members that a recent change in the state's ethics law mandated that every appointed and volunteer member of any town committee must give the town clerk a signed written acknowledgement of receipt of a summary of the law and complete a mandatory training program that can be found on the state ethics commission's website.

Minutes of the Meeting of August 18, 2010 were approved by unanimous vote, with correction of a minor typographical error changing Tory to Troy, on a motion by Ms. Conron, seconded by Ms. Lorman.

Mr. Ewell noted that his email address was omitted from the membership list distributed by Mr. Guerino. It is wesleyewell@comcast.net.

Mr. Mahoney said his was also omitted. It is stevemahoney@ymail.com.

Mr. Guerino reported that two members, Mr. Johnson and Ms. Lorman, had sent emails expressing interest in serving as chair of the committee; one member, Mr. McDowell, had sent an email expressing interest in serving as vice-chair. He said nobody had formally expressed interest in serving as clerk, but that Mr. Ewell had said that he would take the position.

Mr. Rhatigan nominated Joyce Lorman to be chair. Ms. Loring seconded the nomination. Mr. McDowell nominated John Johnson to be chair. Mr. Ewell seconded the nomination. With no other nominations apparent, Mr. Rhatigan moved to close nominations for chair; Mr. McDowell seconded. The motion was approved by unanimous vote.

## BOURNE CHARTER REVIEW COMMITTEE

### Minutes of the Meeting

August 25, 2010

Bourne Veterans Memorial Community Center

Discussion of the position and the qualifications of the nominees ensued.

On an individual voice vote, Ms. Lorman, Ms. Loring and Mr. Rhatigan voted for Joyce Lorman; Mr. Mahoney, Ms. Conron, Mr. Ewell, Mr. McDowell, Mr. Langille and Mr. Johnson voted for John Johnson. Mr. Guerino declared John Johnson elected as chair.

Ms. Conron nominated Malcolm McDowell to be vice chair. Ms. Lorman seconded the nomination.

With no other nominations apparent, Ms. Conron moved to close nominations for vice chair; Mr. Ewell seconded. The motion was approved by unanimous vote.

On an individual voice vote, every member voted for Malcolm McDowell, electing him as vice chair.

Mr. Rhatigan nominated Wesley Ewell to be clerk. Ms. Conron seconded the nomination. With no other nominations apparent, Mr. Johnson moved to close nominations for clerk; Mr. Langille seconded. The motion was approved by unanimous vote.

On an individual voice vote, every member voted for Wesley Ewell, electing him as clerk.

Mr. Johnson raised questions on the protocol of who invites witnesses to appear before the committee and how to deal with the agenda when invitees do not appear, noting that Charles Miller, Lucia Fulco and Michelle Ford had been invited to this meeting, but only Mr. Miller appeared.

Mr. Guerino responded that messages had been left for all three invitees but that he had not spoken to them. He confirmed that he had spoken with Town Counsel Robert Troy and that Mr. Troy would attend the next meeting of the committee on September 1.

Mr. Guerino also said that he would arrange a meeting place for the September 1 meeting and would notify members of the location. He said that he would also try to find a secretary to work for the committee.

Mr. Guerino turned the meeting over to Mr. Johnson at 7:30 PM.

Mr. Johnson asked the committee if meetings should continue to be held on Wednesday evenings or if Thursday would be more convenient. Mr. Langille said that Thursdays would be better for him. Ms. Loring announced that she had rearranged another commitment so that she would be available on Thursdays after October. Mr. Johnson said we will therefore continue to meet on Wednesdays until the end of October, at which time we will reconsider the meeting day.

## BOURNE CHARTER REVIEW COMMITTEE

### Minutes of the Meeting

August 25, 2010

Bourne Veterans Memorial Community Center

Mr. Johnson invited Charles Miller to address the committee. Mr. Miller had served on the last charter review committee in 2006-2007. He is also known for attending meetings of other town boards and committees over a period of many years.

Mr. Miller said it is important that the committee have a good secretary and that the meeting minutes should be thorough and well-documented. He suggested that the members read the minutes of the 2001 Charter Commission and the 2006 Charter Review Committee.

Mr. Miller stated that the original charter leaned toward giving the Board of Selectmen more authority in order to ease the transition from a full-time board to a part-time board and town administrator. He said that the 2007 revision shifted more managerial authority to the town administrator so that the selectmen could focus on policy issues.

Mr. Miller said that the 2006-7 review committee was fortunate to have Lucia Fulco as chair and as a valuable resource because of her knowledge of town government. He also said that they talked with community leaders and members of the charter review committees in other towns.

Mr. Miller reported that the 2007 town meeting discussed and approved eleven changes to the charter based upon the committee's report. He said eight amendments were proposed from the floor at town meeting but that only three were accepted.

Ms. Conron asked Mr. Miller for a list of documents that the current committee should review. Mr. Miller reiterated that the committee should review the minutes of both the original charter commission and the first charter review committee in order to better understand the intent of the changes that were recommended. He suggested that the committee also review the summary of municipal charters published by the state, as well as the state statute covering charter review committees. He further suggested that the committee consider the items that the previous review committee did not address. These items are listed as "future work" in that committee's report.

Mr. Rhatigan asked about the minority report of the original charter commission. Mr. Miller said the minority report was filed by members who had been full-time selectmen and who did not want to change the form of government. He noted that the 2007 review committee did not have a minority report, as its recommendations giving more managerial authority to the administrator were unanimous. Mr. Miller also stated that the current committee should have a budget to hire a secretary.

Mr. Johnson thanked Mr. Miller on behalf of the committee for his helpful remarks and for taking the time to meet with the committee. He noted that the committee needs to hear from the people who have to work with the charter, and that the charter is a living document that needs regular attention to keep it alive.

Mr. Rhatigan asked Mr. Johnson to get copies of the documents that Mr. Miller suggested the members should review. Mr. Johnson said he would do so.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

August 25, 2010

Bourne Veterans Memorial Community Center

Mr. Johnson said that after the committee hears from Town Counsel Troy next week, it should interview Mr. Guerino and members of the Board of Selectmen. He said the last review committee discussed the charter section by section. Mr. Miller interjected that it also conducted a lot of interviews.

Mr. Johnson warned that the review process will inevitably be political. He said that the committee does not have to reinvent the charter, but may need to tweak it in places.

Mr. Langille said the members should read and become totally familiar with the existing charter before interviewing people. Mr. Johnson said it is also important for all the members to talk about the charter with townspeople outside the meetings.

Mr. McDowell, who served on the charter review committee in Billerica, noted that the issues in both Billerica and Bourne were the same. He said the biggest issue was the transition to a professional administrator, and noted that many hours were devoted to discussion of what title to assign this position. Mr. Miller said that there is a fine line between titles.

Ms. Lorman said the committee should study and compare how administrators work in other towns.

Ms. Conron said the committee should include reading of the existing charter as an item for discussion on every meeting agenda.

Mr. Johnson said the committee should make a list of people to talk with.

Ms. Loring asked about public relations and publicity. Mr. Rhatigan noted that the town website still asks for volunteers to this committee and needs to be updated.

Ms. Conron stated that a survey would help the committee determine which issues were most important to townspeople. Mr. McDowell suggested putting discussion of a survey on the next agenda.

Ms. Lorman said she had heard from many people who wanted to see changes made. Ms. Conron asked if it's the charter that needs fixing or the people who use it.

Mr. McDowell noted that a charter compliance committee had been recommended by the last review committee, but that he could find no record on the town website of its existence and asked if it had ever been staffed. Ms. Conron responded that the compliance committee was the responsibility of the moderator, that it had been staffed, and that this committee should talk with its members.



# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

August 25, 2010

Bourne Veterans Memorial Community Center

The agenda for the next meeting is to include interviews with Robert Troy, Lucia Fulco and Michelle Ford, if they are available; discussion of the scope and questions to be included in a possible survey; and discussion of the existing charter.

Mr. Gateley asked who would be the target of a survey and whether the questions would be general or specific.

Mr. Mulvey said the committee needs to address the new positions that have been created, as well as expansion of the finance department and possible changes to the police and fire departments.

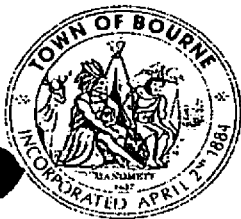
Ms. Lorman added that the committee should review how the school department interfaces with other town departments and agencies.

On a motion by Mr. McDowell, seconded by Mr. Langille, the meeting adjourned at 8:21 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Ewell', written in a cursive style.

Wesley Ewell, Clerk



2010 AUG 30 AM 10 00



TOWN CLERK'S OFFICE  
**CHARTER REVIEW COMMITTEE**

**MEETING NOTICE**

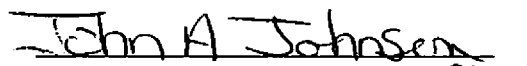
**Date**  
Wednesday  
September 1, 2010

**Time**  
7:00 P.M.

**Location**  
Bourne High School  
Library  
75 Waterhouse Road  
Bourne

**AGENDA**

- 1) Call meeting to order
- 2) Approval of minutes: 8/25/10
- 3) Town Counsel overview of Committee's duties, responsibilities and limitations
- 4) Previous Charter Review Committee members Lucia Fulco and Michelle Ford re: Experience and recommendations if any
- 5) Discussion of scope and contents of survey for both the public and town employees
- 6) Discussion of and comments on 2006 Charter Review Committee Report and 2007 Charter
- 7) Discuss future agenda items
- 8) Adjourn

  
John A. Johnson  
Chairman  
Date: August 27, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 1, 2010  
Bourne High School Executive Library

2010 SEP 30 AM 11 53

TOWN CLERK'S OFFICE

## Members in Attendance

Neil F. Langille  
Jacqueline M. Loring  
Joyce Lorman  
Stephen P. Mahoney  
William F. Rhatigan  
Malcolm Parker McDowell  
John A. Johnson  
Judith W. Conron  
Wesley Ewell

## Others in Attendance

Charles Miller  
Town Counsel Robert Troy  
Atty. Craig Jordan

Mr. Johnson called the meeting to order at 7:08 PM with all but two members present. Mr. Langille and Mr. Mahoney arrived at 7:15, delayed because of the change of meeting room. Mr. Johnson announced that neither Lucia Fulco nor Michelle Ford were able to attend this meeting but that Ms. Ford will attend next week. He said Robert Troy would be attending this meeting.

Minutes of the Meeting of August 25, 2010 were approved by unanimous vote on a motion by Mr. McDowell, seconded by Ms. Conron.

A brief discussion of the proposed public survey was tabled by the chair when Town Counsel Troy arrived at 7:10. Mr. Troy introduced Atty. Craig Jordan, whom he said was a Sandwich resident who had recently joined his firm.

Mr. Troy advised the committee that its sole authority under the law was to report to town meeting its findings and recommendations, if any, arising from its review of the charter. He said it would then be up to the town meeting to decide what changes, if any, to make in the charter.

Responding to questions about the open meeting law, particularly as it applies to subcommittees, Mr. Troy advised that the revised law, which took effect July 1, does apply to subcommittees. He further stated that some town administrators have challenged the law or stated that they do not intend to comply with all its provisions. While some of those provisions may be changed, Mr. Troy said the committee should adhere to its provisions. He said he would be available to answer questions on the law as they arise, and suggested that one person should be designated to deal with him on all committee matters. Mr. Troy said that one or two individuals meeting with officials of other town in the course of their research did not need to post those meetings.

Ms. Lorman asked about the relationship between the Town Administrator and the Board of Selectmen under the current charter. Mr. Troy responded that the original charter commission

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 1, 2010

Bourne High School Executive Library

specifically did not want a town manager, with full management authority, so they chose to call the position "Town Administrator". He noted that in most towns management is more centralized than it is in Bourne, even after the 2007 revisions to the charter. He said the biggest risk of having the administrator closely overseen by the selectmen is that citizens can influence the manager's decisions by talking to the selectmen.

Mr. Troy emphasized that the committee should ask whether the Bourne model gives the administrator enough well-defined authority to act on policy matters set by the selectmen. He said that the administrator's authority must be clear in the charter, otherwise every issue becomes a policy issue that must be decided by the selectmen. He added that he thinks the Bourne charter needs to better define the administrator's authority.

Mr. Troy encouraged the committee to recommend narrowing the definition of policy, stating the this is particularly critical in Section 4.2. He said that simply defining the role of the Board of Selectmen as setting "broad" policy is not specific enough. He also advised the committee to use simple common-sense language, avoiding big words or legalese, in its report. He recommended reviewing the charters of Winchester and Lexington, as excellent models.

Mr. Johnson asked Mr. Troy to email copies of the Winchester and Lexington charters to Mr. Ewell, who would forward them to the rest of the committee for review. Mr. Troy said he would.

Mr. McDowell asked if the police and fire departments, and boards such as health, planning, conservation, and others that are established under state law, can be included in the charter committee's review. Mr. Troy responded that they cannot. He said that the state statutes governing these agencies supersede local regulation, and that such local initiatives would not be allowed by the Attorney General.

Ms. Lorman asked if the charter can define who the police and fire chief report to. Mr. Troy said that it can, but he strongly advised the committee to avoid such "hot" topics of the moment, as they could seriously divert the committee's attention from its primary mission.

Ms. Lorman also asked about the separation of powers between the school committee and the board of selectmen. Mr. Troy responded that state law explicitly gives school committees complete responsibility to administer their budget allocations in any way they see fit, and that neither the selectman nor anybody else can change that. He admitted that this arrangement does create two separate entities of local government, but that the state legislature specifically intended that to be the case.

Ms. Conron asked about the size of the Board of Selectmen and about the apparently odd provision in the Bourne charter that requires a vote of four out of five selectmen to hire or fire the town administrator.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 1, 2010

Bourne High School Executive Library

Mr. Troy responded that most towns have a five-member board. He said that he prefers a three-member board because three people can reach consensus and make decisions faster than five. As to the four-vote question, Mr. Troy noted that this effectively guarantees lifetime employment to the administrator, and that could be a quandary for Bourne officials. Mr. McDowell noted that Billerica also has this provision in its charter.

There being no further questions from the committee, Mr. Johnson asked Mr. Miller if he wished to offer a comment. Mr. Miller stated that the charter committee can recommend changes in the role of the administrator but not the title.

Mr. Troy concluded with an admonition to the committee to tighten some of the definitions in the current charter. He said there are many language problems in the document, especially in Section 4.1 which defines the employment conditions of the administrator. Among those are "indefinite term" in regard to term of contract, and "full-time" in regard to other employment.

Mr. Troy reiterated that the committee should review the charters of other towns, and focus on having the selectmen identify goals and objectives, then allowing the administrator freedom to pursue those goals and objectives as the administrator sees fit.

Mr. Johnson asked if the committee was allowed to discuss these issues at this meeting, even though they were not included on the published agenda. Mr. Troy said it could.

Mr. Johnson thanked Mr. Troy and Mr. Jordan for their advice and patience. Both men left the meeting at 8:00 PM.

Returning to discussion of a public survey, Mr. McDowell suggested that the committee should interview department heads in person, rather than giving them a survey to fill out. Others noted that the committee might get more open and honest comments from an anonymous survey form. Ms. Conron asked if the survey responses would be signed. Mr. Rhatigan questioned the worth of anonymous survey responses.

Mr. Ewell asked whether there was any benefit to a town-wide survey, noting that a randomly selected sample would be statistically valid and that only a few hundred residents know or care about the charter. Ms. Lorman and Mr. Rhatigan responded that it was most important that every citizen be offered the opportunity to respond. Ms. Lorman also said that she did not envision mailing surveys to everyone, but instead publishing them in the local newspapers and on the town's website.

Discussion proceeded with review of the 2006 survey, with consensus reached that the new survey should follow the same format of four or five questions on a single page, and with basically the same questions as used before. Mr. McDowell suggested adding "2010" to the title. There was discussion of the need to ask about residency, since only two seasonal residents had responded to the earlier survey.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 1, 2010

Bourne High School Executive Library

Mr. Ewell suggested including a description of the current form of government in Question 2, and dropping Question 3a, which asked about the success of maintaining the current form of government. He noted that this question was moot since the form of government had not changed since the last review.

Ms. Lorman suggested splitting Question 3d, separating it into one question on fiscal planning and a second question on physical planning. Discussion ensued on whether the policies listed in Question 3 were specifically stated in the charter or only implied in the reports.

Mr. Ewell offered to prepare a discussion draft of a new survey, based upon the previous survey and the current discussion, for review and consideration at the next meeting. The committee agreed by consensus, noting that it should contain a source reference for the current charter.

The agenda for the next meeting is to include an interview with Michelle Ford, who served as clerk of the 2006-7 charter review committee and wrote its report; discussion of the public survey; who to invite for interviews and how to conduct those interviews; and possible discussion of Sections 1, 2 and 3 of the current charter.

Ms. Lorman announced that Police Chief Earl Baldwin had called her and asked to meet with the committee. Mr. McDowell suggested that, while the committee would certainly want to interview Chief Baldwin, he and other town officials should be invited in only as we get to the sections of the charter that involves them.

Mr. Langille said the committee needs to have the survey results before talking to town officials. Discussion also of whether the committee should review job descriptions before speaking with town employees.

Mr. Johnson asked if every member had completed the state ethics exam and submitted their certificates of completion to the town clerk. He also said he would speak with the administrator about getting a secretary for the committee and arranging for a more appropriate meeting room.

On a motion by Ms. Conron, seconded by Mr. McDowell, the meeting adjourned at 8:58 PM.

Respectfully submitted,



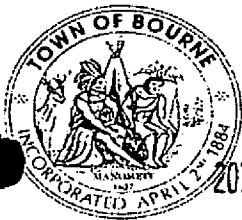
Wesley Ewell, Clerk

BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 1, 2010

Bourne High School Executive Library



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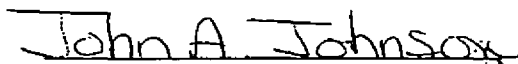
## TOWN CHARTER REVIEW COMMITTEE

### MEETING NOTICE

<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday September 8, 2010	7:00 P.M.	Bourne High School - Library 75 Waterhouse Road Bourne

### AGENDA

- 1) Call meeting to order
- 2) Approval of minutes: September 1, 2010
- 3) Michelle Ford to speak regarding her experience of previous Charter Review Committee and recommendations
- 4) Discussion of survey for general public regarding format, content and distribution
- 5) Discussion of Article I & II of Bourne Charter
- 6) Discussion and comparison of model charter from Mass. Survey of Law and Bourne Charter
- 7) Discussion of possible witnesses, order of appearance and questions for each
- 8) Discuss future agenda items
- 9) Adjourn

  
John A. Johnson  
Chairman  
Date: September 3, 2010



# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 8, 2010  
Bourne High School Executive Library

2010 SEP 30 AM 11 53

## Members in Attendance

Neil F. Langille  
Stephen P. Mahoney  
Joyce Lorman  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Judith W. Conron  
Jacqueline M. Loring

TOWN CLERK'S OFFICE

## Others in Attendance

Michelle Ford

Mr. Johnson called the meeting to order at 7:00 PM with all but two members present. Mr. Rhatigan had notified the committee by email that he would not be attending this meeting, and Ms. Loring had notified the committee by email that she might be late. She arrived at 7:55.

Minutes of the Meeting of September 1, 2010 were approved as submitted by unanimous vote on a motion by Mr. McDowell, seconded by Mr. Mahoney.

Mr. Johnson invited Michelle Ford to address the committee. Ms. Ford had been the clerk of the previous charter review committee and had written the report of that committee to town meeting. Ms. Ford said that the first thing her committee had done was publish its public survey in the Bourne Enterprise and on the town web site. She said that her report represented the consensus of the committee.

Ms. Conron asked what made the earlier committee successful. Ms. Ford responded that theirs was the first charter review and that there was much turmoil in town government at that time. She said that her committee tried to assure that anything they did was apropos to everybody and not a reaction to current events. She said that was their litmus test for discussion. She advised that what we do now will not be put into effect until 2011 or 2012, and emphasized that we need to think about the function of town government and not about the performance of individuals.

Ms. Ford said that her committee members were respectful of each other and did not talk over or interrupt each other even during the most heated discussions. She said that Lucia Fulco kept the committee focused on its time line and deadlines and was an excellent chair person. She advised that they talked with a lot of people from other towns, especially regarding subjects that they were contemplating changing. She said that they got caught up in the semantics of definitions.

Ms. Ford said that her committee recommended removing Selectmen from serving as voting members of any other town committee, encouraged broader participation by new volunteers, and helped the Board of Selectmen give clear charge to new committees. She said they also created a charter compliance committee modeled on a similar committee in Provincetown. She said they

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 8, 2010

Bourne High School Executive Library

hoped that simply having such a committee would obviate the need for such a committee and that there has not been a complaint filed since the committees were created in both Bourne and Provincetown.

Ms. Ford said her committee struggled with the issue of span of control by the administrator. She said she thought hiring a human resources director will free up a lot of the administrator's time to focus on other issues.

Mr. Johnson noted that Charles Miller had advised the committee that Bourne is unique. Ms. Ford responded that all towns think they are unique. She said we should not let perceived differences affect our deliberations. She suggested several questions the committee should continually ask: Is there a problem? Is it a problem that needs to be solved? Should it be solved by the charter? Is it only today's problem? Is it only a problem of persons executing jobs poorly?

Mr. Langille questioned the legality of the limit on town employees serving on committees. Ms. Ford responded that the limit only applies to elected town officials.

Mr. Ewell asked how important and how effective the public survey was. Ms. Ford replied that the survey only confirmed what the committee was already hearing and that it did not change the direction of the committee's deliberations. She said it was important, however, in that it gave every person in town an opportunity to express their opinions. She further stated that they did not filter the results, but printed all of them in their report. She added that the committee considered a mass mailing of the survey but decided that would be too expensive and time consuming, so it was published only in the (Bourne) Enterprise and on the town website.

Ms. Conron asked if there had been any effort to distribute the survey through town boards and committees. Ms. Ford replied that copies may have been available at town hall.

Mr. Mahoney asked if Ms. Ford had any regrets—if there were any things that did not work out as well as expected after they were done. Ms. Ford responded that her biggest regret was that they spent a lot of time on stuff that was not important. As a result they spent less time on other issues. She reiterated the need to just keep asking if this is a person problem or a fundamental problem. She added that we need to be ready to live with any changes we recommend, as it will be at least another five years before bad changes can be fixed.

Ms. Conron noted that (Town Counsel) Robert Troy told the committee that our only task was to report to town meeting. Ms. Ford replied that we may find after reviewing the charter that we recommend making no changes to the charter. Ms. Conron also noted that Mr. Troy told the committee that clarification of terms is needed, especially in the section on the administrator. Ms. Ford responded that sometimes flexibility and effectiveness are improved when definitions are not too tight.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 8, 2010  
Bourne High School Executive Library

Mr. Langille stated that sometimes the actions of a person brings out flaws in the process. Ms. Fort reiterated the need to fix the process, not the person.

There being no other questions or comments apparent, Mr. Johnson thanked Ms. Ford for sharing her experience and insight with the committee.

Discussion then turned to the public survey. Mr. Ewell distributed copies of a discussion draft that he had prepared. The consensus of the committee was that the questions and format were good, but the following changes should be made: 1. Elaborate on where to find the survey on the town website and underline the town URL; 2. Change the word "Comments" under each question to "Suggestions"; and 3. Change the response deadline to October 15<sup>th</sup>.

Mr. Johnson will speak with the town administrator about making the website link to the existing charter easier to find or putting it in a more prominent place on the website. Mr. Ewell will call the local newspapers and ask them to publish the survey. He will also draft a letter to the editors to accompany the survey. In addition, he will ask Debbie Judge, of the selectmen's office, to email it to all town boards and committees.

Mr. Langille asked about sending the survey to department heads and other officials that the committee will be interviewing in person. Consensus was that the committee should prepare a list of questions to ask all interviewees but not to give them a written questionnaire.

Ms. Loring suggested asking the Council on Aging to include the survey in its newsletter. Others suggested also asking the library, historical committee and school committee to do the same.

Mr. Johnson opened discussion on Sections 1 and 2 of the existing charter. Mr. McDowell noted an apparent contradiction in Section 1.3 (Division of Powers) which states that the executive branch is headed by a Board of Selectmen and a Town Administrator. He said that Sections 3 and 4 appear to conflict with this assertion, separating the Executive and Administrative powers. Discussion focused on the potential for legal challenges and comparisons to private businesses that are managed by a board of directors and a chief executive officer. The consensus of the committee was that this subject should be further addressed during talks with both the selectmen and the administrator, and seems to be one of the areas where wording could be improved.

In discussion of Section 2 Mr. McDowell noted that the charter refers to bylaws quite a bit, but that Section 2.5(a)(3) refers to "laws". Mr. Johnson noted that he was taught in first year law classes that town regulations are bylaws but state regulations are "statutes" and only federal legislation should be called "laws". Consensus was that state statutes should be referenced in the charter by their M.G.L. designations. Discussion continued, including questions about blank articles being submitted as place-holders for last minute inclusion in town meeting warrants, and repeated inclusion in the warrants of articles that had already been discussed and voted. No consensus was reached on these issues, although several members noted that these issues fell within the jurisdiction of the finance committee.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 8, 2010

Bourne High School Executive Library

Additional general discussion included questions on whether the Winchester charter that (Town Counsel) Robert Troy had forwarded to the committee is the Massachusetts Charter Survey model. Ms. Lorman will ask Mr. Troy. Several members said they did not get copies of the Winchester charter. Mr. Ewell promised to re-forward Mr. Troy's email, with its attachments, to those members.

Discussion of who to invite to future meetings elicited the following names: Tom Groux; political consultant who advised the initial charter commission and the earlier charter committee, and who served as interim administrator when the charter was first adopted; each of the selectmen individually; Tom Guerino, Bob Troy and the new human resources director; selectmen from other towns; Lucia Fulco (who is scheduled for September 22); the moderator, police chief and other elected officials; and Robert Lawton, who advised the earlier committee and who is retiring after many years as Yarmouth Town Manager.

Mr. Johnson said the committee needs to be more familiar with the existing charters in Bourne and other communities before interviewing any community leaders. He asked the members to review Sections 3 and 4, as well as comparable sections in other town charters, for discussion at the next meeting.

The agenda for next week to include discussion of Sections 3 and 4, and possible interviews with Tom Groux and/or Tom Guerino.

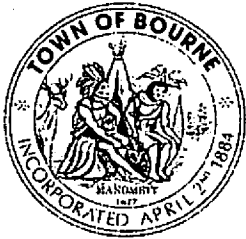
Mr. Langille said he will miss six meetings after the next one. Mr. McDowell suggested we ask Mr. Troy whether Mr. Langille will be able to vote when he returns on any issues that were discussed in his absence.

On a motion by Ms. Conron, seconded by Mr. McDowell, the meeting adjourned at 8:58 PM.

Respectfully submitted,



Wesley Ewell, Clerk



# Charter Review Committee Meeting Notice



Date:

September 15, 2010

Time:

7:00 p.m.

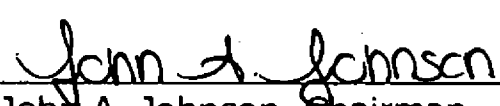
Location:

Bourne High School Library  
75 Waterhouse Road  
Bourne, MA 02532

## AGENDA

1. Call meeting to order.
2. Approve minutes of previous meeting.
3. Thomas Groux, if available, to provide additional background information re Charter and history. Recommendations and suggestions for present committee.
4. Discussion of survey for general public –format, distribution, publicity, letter to editor, op-ed piece, newspapers, town organizations.
5. Discussion re Bourne Charter (Articles 3 and 4) and similar articles from Charters of other towns.
6. Discussion of possible witnesses, order of appearance and question for each ongoing.
7. Discuss future agenda items.
8. Adjourn.

RECEIVED  
TOWN CLERK'S OFFICE  
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John A. Johnson, Chairman  
September 13, 2010

cc: Town Clerk  
Selectmen

Committee: Conron, Ewell, Johnson, Langille, Loring, Lorman, Mahoney, McDowell, Rhatigan

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 15, 2010  
Bourne High School Executive Library

2010 SEP 30 AM 11 53

## Members in Attendance

Judith W. Conron  
Neil F. Langille  
Joyce Lorman  
Stephen P. Mahoney  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring  
William F. Rhatigan

TOWN CLERK'S OFFICE  
Bourne, MA

## Others in Attendance

Paul Gateley, Bourne Courier  
Diana Barth, Bourne Enterprise

Mr. Johnson called the meeting to order at 7:00 PM with all members present.

Minutes of the Meeting of September 8, 2010 were approved as submitted by unanimous vote of those present at that meeting on a motion by Mr. Langille, seconded by Ms. Conron. Mr. Rhatigan abstained, as he had missed the meeting of September 8<sup>th</sup>.

Mr. Johnson announced that Thomas Groux was not able to attend this meeting but would meet with the committee on September 29<sup>th</sup>. He said Lucia Fulco was scheduled to attend the next meeting on September 22<sup>nd</sup>.

Mr. Johnson opened discussion on the public survey. Mr. Ewell submitted a draft narrative to accompany the survey. Ms. Loring suggested a revision in the wording, which was unanimously accepted by the committee on a vote by Mr. Rhatigan, seconded by Ms. Lorman.

Mr. Johnson said he had met with the person who manages the town web site and confirmed that the email address printed on the draft survey remains valid. He said the committee needs to designate one person to receive the emails. Ms. Conron volunteered to be that person. Mr. Johnson also said that the charter committee will have its own page on the town web site where it can post its survey and the current charter.

Mr. Johnson announced that he had spoken with the town administrator, who assured him that the committee would have a secretary to take minutes by the next meeting.

Ms. Loring said that both the library and council on aging had agreed to make the survey forms available to the public. She offered to distribute the forms and to pick up responses from the library and community center.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 15, 2010  
Bourne High School Executive Library

Mr. Ewell asked about printing the forms. Mr. Johnson said the town administrator had offered to do any printing the committee needed. After discussion, the committee decided that 500 copies should be printed. They asked Mr. Ewell to forward a pdf file of the survey to Mr. Langille, Ms. Loring and the town administrator's office.

On a motion by Ms. Conron, seconded by Mr. Mahoney, the committee voted unanimously to approve the wording of the survey drafted by Mr. Ewell.

Mr. Johnson opened discussion on Article 3 of the current charter. Mr. McDowell questioned the strange wording of the last sentence of the first paragraph of Section 3-3, as it differs from the wording in the committee report to town meeting. Ms. Conron, who was a selectman at the time, responded that the wording had been changed at some point during transcription and that the town had to accept the wording as approved by the state, even though it differed from that approved by the town meeting. The committee flagged this issue for future discussion and probable inclusion in its report to town meeting.

Discussion continued on Article 3, including the deadline for completion of the annual goals statement by the board of selectmen, and the wording of the last sentence of the second paragraph of Section 3-3, both of which were flagged for future discussion and review with the selectmen and town administrator. Ms. Conron noted that the committee needs to look at the minutes of the town meeting that approved the last charter amendments.

The committee also flagged for later discussion the issue of including additional powers of the selectmen in Article 3.

Mr. McDowell suggested that the wording of Section 3-5 should be amended to read "special" constables appointed by the selectmen, so as to avoid confusion with elected constables. He also noted the last two paragraphs in the previous committee's report were not included in the charter. Ms. Conron responded that town meeting had voted down those two paragraphs. Ms. Lorman said the committee should review these paragraphs and consider reintroducing them.

The committee found no issues with Section 3-7. Mr. Rhatigan found a conflict between Section 3-8 and the new open meeting law. The committee will review the wording of this section to remove this conflict. Further discussion suggested the possibility of recommending a new section with a general statement regarding conflicts between the charter and state statutes.

Comparing the Bourne Charter with the Winchester model, Ms. Lorman questioned why Bourne does not include a statement on the selectmen's licensing authority. Ms. Conron responded that their licensing authority is covered by state statutes and therefore not needed in the charter.

Mr. Johnson opened discussion of Article 4, which covers the town administrator. Mr. Rhatigan said there are three questions that need to be addressed: a residency requirement, the number of votes needed for appointment and discharge of the administrator, and the indefinite term.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 15, 2010

Bourne High School Executive Library

Discussion focused on what belongs in the charter and what belongs in the employment contract that the administrator and selectmen negotiate. The committee flagged these issues for further discussion and questioning of selectmen and the administrator.

Mr. Johnson opened discussion of the next meeting agenda, reiterating that Lucia Fulco will be the invited guest, and that the committee will continue discussion of Articles 3 and 4. He said the committee should also work on a list of questions to ask the selectmen and town administrator. Ms. Conron offered to get the minutes of the 2007 town meeting.

On a motion by Mr. Rhatigan, seconded by Mr. Mahoney, the committee voted unanimously to have the Chair ask town counsel whether Mr. Langille will be able to vote on committee issues that are discussed during his pending six-week absence.

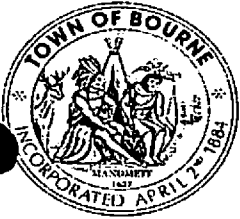
On a motion by Mr. Rhatigan, seconded by Mr. Mahoney, the meeting adjourned at 8:56 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W Ewell', written in a cursive style.

Wesley Ewell, Clerk





2010 SEP 17 PM 3 10

**CHARTER REVIEW COMMITTEE**  
**MEETING NOTICE**

**Date**

Wednesday  
September 22, 2010

**Time**

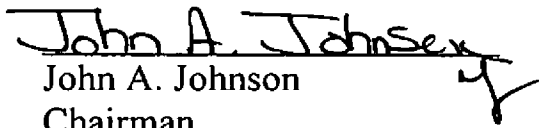
7:00 P.M.

**Location**

Bourne High School - Library  
75 Waterhouse Road  
Bourne

**AGENDA**

- 1) Call meeting to order
- 2) Approval of minutes: September 15, 2010
- 3) Lucia Fulco to speak regarding her experience of the Charter Review Commission and Charter Review Committee. Recommendations and suggestions for present committee
- 4) Report on results of charter survey distribution
- 5) Discussion of Bourne Charter (Articles 3 and 4) and similar articles from other towns (continuing)
- 6) Discussion of issues flagged for further discussion and possible new question for Selectmen, Town Administrator and other possible witnesses (continuing)
- 7) Discuss future agenda items
- 8) Adjourn

  
John A. Johnson  
Chairman  
Date: September 17, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 22, 2010  
Bourne High School Executive Library

## Members in Attendance

Judith W. Conron  
Stephen P. Mahoney  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring  
William F. Rhatigan  
Joyce Lorman

## Others in Attendance

Charles Miller  
Diana Barth, Bourne Enterprise (arrived at 8:02 PM)

Mr. Johnson called the meeting to order at 7:05 PM with six members present. Two others arrived a few minutes later. Mr. Langille will be absent for six weeks.

Minutes of the Meeting of September 15, 2010 were approved as submitted by unanimous vote on a motion by Mr. McDowell, seconded by Mr. Rhatigan. Mr. Johnson reported that the town administrator had received three responses to his request for a secretary for the committee but that nobody had been appointed yet.

Mr. Johnson announced that Lucia Fulco had declined to attend this meeting, but would meet with the committee after it had reached consensus on the issues. He said Thomas Groux was still scheduled to attend the next meeting on September 29<sup>th</sup>.

Mr. Johnson opened discussion on the public survey. He said he had 500 copies printed and distributed 50 each to the town hall, library, community center and council on aging. Mr. Ewell said the Bourne Courier had printed a blurb about the survey, but did not publish the form, and that the Bourne Enterprise would print the survey in its Friday edition. Ms. Lorman asked if the committee members should respond to the survey and the consensus was that all should do so.

Mr. Johnson then reopened discussion of Articles 3 and 4 of the current charter. Discussion focused on specific words that appeared to be internally inconsistent within the document, or that were either too specific or too general. These included the word "broad" as applied to policies but not in other areas, such as goals and guidelines. Questions were raised on whether it was appropriate for the charter to specify whether the goals set by the Board of Selectmen were broad or specific. There was consensus that "implement" would be a better and more consistent word than "effectuate," in Section 4-2 which had been flagged by Mr. Troy in an earlier meeting.

Ms. Conron distributed copies of the warrant and minutes of the 2007 town meeting related to the charter amendments. She said that review of the documents showed that the typographic error in the last sentence of the first paragraph of Section 3-3 was apparently made in the

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 22, 2010

Bourne High School Executive Library

documents that were sent to the state for ratification. She said it was the opinion of the town clerk that, since the correct wording had been voted by town meeting, a new vote was not needed. Mr. McDowell noted that the error should be corrected independent of the charter committee, possibly by resubmitting the correct wording to the state. Mr. Johnson will ask the town clerk what the best way is to correct it.

The question of how many votes should be required to appoint or discharge the administrator engendered lively discussion. Some argued that the selectmen should have more flexibility to remove the administrator, while others countered that the current system is used in other towns and works well in Bourne. Suggestions included requiring a "just cause" clause for discharge in the charter; making annual evaluations public documents; and requiring an independent "search committee" to review reasons for discharge, as is now required for hiring. Mr. Johnson said it seems to come down to a question of flexibility vs. stability and, with no consensus apparent, suggested including the question in a later public survey.

Ms. Lorman asked if Bourne has a personnel bylaw as specified in Section 4.1. Nobody knew. She also questioned whether government experience in Massachusetts should be a requirement for the administrator position. Both questions were set aside for future discussion.

Mr. McDowell raised the question of who signs employment contracts with department heads and other high-level town employees, citing the September 2, 2010 memorandum from town counsel to the board of selectmen. The consensus was that the administrator should select and negotiate the contracts with such employees but that the selectmen should sign the contracts.

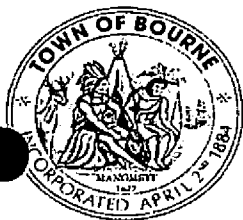
The agenda for the next meeting is to include an interview with Thomas Groux, discussion of Article 5, and scheduling. This last item was suggested by Ms. Loring, who cited the experience of the previous charter review committee being rushed at the end of the process, and said that this committee should look at the whole charter to get a global perspective on its schedule.

On a motion by Ms. Loring, seconded by Mr. Rhatigan, the meeting adjourned at 8:46 PM.

Respectfully submitted,



Wesley Ewell, Clerk



2010 SEP 24 PM 12 05



**CHARTER REVIEW COMMITTEE**  
**MEETING NOTICE**

**Date**

Wednesday  
September 29, 2010

**Time**


7:00 P.M.

**Location**

Bourne High School - Library  
75 Waterhouse Road  
Bourne

**AGENDA**

- 1) Call meeting to order
- 2) Approval of minutes: September 22, 2010
- 3) Tom Groux to speak regarding his experience with the Bourne Charter Commission and Review Committee. Recommendations and suggestions for present committee
- 4) Report regarding "Personnel ByLaw"
- 5) Discussion of Article 5 Bourne Charter
- 6) Broad overview and discussion of all articles of Bourne Charter with regard to possible issues, difficulty presented by such issues and estimate of time required to deal with such issues in regard to time limit for completion of report
- 7) Discussion of witness list, procedure for questioning, order of witnesses, etc.
- 8) Discuss future agenda items
- 9) Adjourn

  
John A. Johnson  
Chairman

Date: September 24, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
September 29, 2010  
Bourne High School Executive Library

## Members in Attendance

Judith W. Conron  
Stephen P. Mahoney  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring  
William F. Rhatigan  
Joyce Lorman

## Secretary

Jennifer Chisser

## Others in Attendance

Diana Barth, Bourne Enterprise  
Priscilla Koleishes  
Stanley Andrews  
Mike Lyons  
James Mulvey

Mr. Johnson called the meeting to order at 7:02 PM with eight members present.

Mr. Johnson announced that Thomas Groux had to cancel his appearance at this meeting, but asked to be rescheduled for a later date.

Meeting minutes of September 22, 2010 were approved as submitted by unanimous vote on a motion by Mr. Mahoney, seconded by Mr. McDowell. Mr. Ewell reported that the secretary position for the committee has been appointed and introduced Jennifer Chisser, Administrative Assistant, Bourne Natural Resources Department:

There being several members of the public present, Mr. Johnson invited public comment.

Priscilla Koleishes, a resident of Monument Beach who serves on several town committees, voiced concerns regarding who is in charge of the community building usage schedule. She suggested a change to the current status of scheduling control of the community building from the trustees to another entity, possibly the town administrator. She said her concern is that the trustees have offered limited usage for youth programs over council on aging usage.

Ms. Lorman referred to a state mandate regarding trustee control over public building usage. Mr. Johnson suggested the committee investigate further if options available to change this mandate, but first determine if this concern is within the jurisdiction of the charter.

TOWN CLERK'S OFFICE

2010 OCT 8 PM 2 55

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 29, 2010

Bourne High School Executive Library

James Mulvey said that the trustees should continue as overseers of the upkeep and use of the community center but not necessarily the day to day operation. He suggested that one option would be to elect a person or group for this purpose.

Mr. Johnson reopened discussion on Articles 4 and 5. In response to a question raised at a previous meeting he stated that there is no employee handbook for Bourne because nearly all town employees are covered under union contracts. He said the wording in the charter appears to have been copied from the Winchester model.

Ms. Lorman raised a question about the wording of Section 5-2, which grants the administrator authority to organize, reorganize, consolidate or abolish any town agency. Specifically, she asked why the Department of Public Works and Integrated Solid Waste Management are identified individually, but other departments are not. She noted that one generates revenue while the other is an expense, and questioned whether the administrator should have control over such a crucial decision. Mr. Johnson responded that this wording was not questioned by the previous charter review committee, either because they did not see it as a problem or did not have time to get to it. He suggested the committee flag it for additional review.

Ms. Loring distributed copies of the town organizational chart, asking whether the administrator has an appropriate span of control. Discussion brought out that the administrator could make possible adjustments to the organization and that the selectmen would balance any changes recommended by the administrator.

Mr. McDowell pointed out a technical error that should be corrected in Section 5-6. In Section 5-6(b) the reference in the first sentence should be to Section 4-6(b), not Section 4-6(c). In Section 5-6(e) and 5-6(f), references to Section 4-6(c) should be to Section 4-6(b), and references to Section 10-5(g) should be Section 10-5(h).

Mr. Johnson said that Section 5-4(b) refers to a salary administration bylaw that does not exist. Noting that, with few exceptions, most town employees have union contracts, this section might be easier to follow if it simply listed all the positions that the administrator is authorized to fill.

Mr. Ewell brought up the odd wording and formatting in Section 5-3. He suggested that the opening word "Whenever" should be replaced with the word "Before" so that it reads "Before the Board of Selectmen approves such a proposed plan..." He also said it would be better form to spell out numbers of ten or less, instead of using numerals.

Mr. Ewell also pointed out that in Section 5-2, the administrator is referred to as "it" instead of "he" or "she." Others noted that Section 8-8 specifies that masculine references shall be used throughout the document for consistency.

Mr. McDowell said that the language in Section 5-6(b) stating that the first director of finance shall also serve as town accountant should be revised or stricken altogether, since there can never

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 29, 2010

Bourne High School Executive Library

be another first director of finance. He also suggested clarifying the wording on combined positions, asking if the committee is comfortable with one person serving more than one financial position.

Discussion shifted to whether the administrator or selectmen sign long-term contracts, and that this issue should be clarified, possibly in a new Section 5-7. This would be a good question to ask the administrator and the selectmen. Questions also arose as to whether an assistant town administrator position should be added, or perhaps combined with the human resources position.

Stanley Andrews, an elected member of the Board of Health, raised questions regarding oversight of the Department of Integrated Solid Waste Management. He suggested a policy center that included the administrator and ISWM manager, as well as the selectmen might be established. Ms. Lorman voiced concerns that his idea could raise issues or conflicts regarding implementing tasks.

James Mulvey said that Section 4-6 specifies that the administrator is the "primary officer" implying that there is a secondary officer. He also questioned whether the administrator should approve long-term contract awards for all town departments.

Mr. Johnson raised the issue of scheduling meetings so that the committee finishes its report in time to be included in the town meeting warrant. The report must be submitted 75 days before town meeting, which is held on the first Monday in May. Discussion resulted in consensus that the committee would not meet on the week of Thanksgiving or the weeks before and after the Christmas holiday. That leaves sixteen meetings in which to complete the work.

Mr. McDowell suggested the committee review Articles 6, 7, 8 and 10 for discussion at the next meeting, as these articles are fairly straight-forward and not likely to generate a lot of discussion. He recommended holding Articles 9 and 11 for the following meeting, as these sections will require more scrutiny and are likely to generate more discussion. He further recommended that witnesses should be scheduled to attend meeting to provide insight into specific topics that would be the focus of that meeting.

Discussion of who should be invited to meet with the committee resulted in the following list:

- Thomas Guerino, Town Administrator
- Thomas Groux, Management Consultant
- Five selectmen, individually
- Lisa Plante, Community Center Manager
- George Sala, Community Center Trustee Chair
- Earl Baldwin, Police Chief
- Daniel Doucette, Fire Chief
- Any elected board representative that would like to speak on behalf of their board

Mr. Ewell suggested doubling up on scheduled interviews, in case of last minute cancellations.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

September 29, 2010

Bourne High School Executive Library

Ms. Lorman suggested that each committee member bring a list of questions for the guests to the next meeting in order to avoid having redundancy. The committee also decided to submit the town administrator's question to him before the meeting so he can be better prepared to answer.

Ms. Conron recommended the committee should send a memo to all town boards inviting them to send a representative to the meetings.

Mr. McDowell asked if a public hearing should combine input from department heads as well as the public or if separate hearings should be held for each group.

Discussion of the public survey opened with questions of where and how it appears on the town web site. It apparently has been moved to the charter committee page. The committee would like to see it also linked to the front page, near the top on the right hand column.

Mr. Ewell reported that the Bourne Enterprise had delayed publication for a week, but would be printing the form this week, along with a feature article by Diana Barth. Mr. Ewell will tabulate the surveys, which are being collected by Ms. Conron.

Ms. Loring requested an agenda item for the next meeting to discuss the voting rights of members who miss multiple meetings. She suggested asking for a legal opinion on this. Ms. Lorman voiced concerns for the fairness of voting if a member is not in attendance when discussion occurred. Ms. Conron responded that Neil Langille receives all the meeting minutes.

On a motion by Mr. McDowell, seconded by Ms. Conron, meeting adjourned at 8:43 PM.

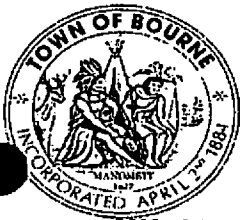
Prepared from memory and from Jennifer Chisser's notes.

Respectfully submitted,



Wesley Ewell, Clerk





2010 OCT 1 PM 3:09

TOWN CLERK'S OFFICE

## CHARTER REVIEW COMMITTEE

### MEETING NOTICE

**Date**

Wednesday  
October 6, 2010

**Time**

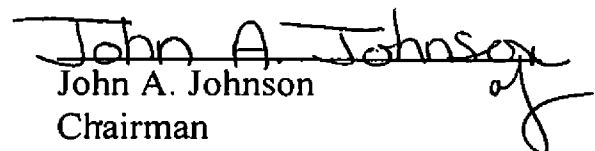
7:00 P.M.

**Location**

Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

- 1) Call meeting to order
- 2) Approval of minutes
- 3) Linda Marzelli (Director of Finance) and Earl Baldwin (Chief of Police) to talk about their experience with the Charter, suggestions for improvements and questions from the Committee and the public
- 4) Discussion: Articles 6, 7, 8 and 10
- 5) Discussion: Questions for the Town Administrator
- 6) Broad overview and discussion of all articles of Bourne Charter with regard to possible issues, difficulty presented by such issues and estimate of time required to deal with such issues in regard to time limit for completion of report
- 7) Discussion: Hearing from Selectmen
- 8) Discuss future agenda items
- 9) Adjourn

  
John A. Johnson  
Chairman

Date: October 1, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
October 6, 2010  
Bourne High School Executive Library

2010 OCT 20 AM 10 30

## Members in Attendance

Joyce Lorman  
William F. Rhatigan  
Stephen P. Mahoney  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring  
Judith W. Conron

TOWN CLERK'S OFFICE  
BOURNE, MASS

## Others in Attendance

Linda Marzelli, Director of Finance and Town Accountant  
Earl Baldwin, Chief of Police

Mr. Johnson called the meeting to order at 7:00 PM with eight members present.

Meeting minutes of September 29, 2010 were approved as submitted by unanimous vote on a motion by Ms. Loring, seconded by Mr. Mahoney.

Mr. Johnson said that Jennifer Chisser would no longer be secretary for the committee, and that Mr. Ewell had agreed to continue preparing the minutes. Ms. Lorman suggested that the town pay Mr. Ewell the money that they would pay a secretary for doing the minutes. The committee expressed consensus that Mr. Johnson should present this request to the town administrator.

Mr. Johnson introduced Linda Marzelli, Director of Finance and Town Accountant. Ms. Lorman asked Ms. Marzelli about her dual positions. Ms. Marzelli responded that it is most appropriate for the Director of Finance to also be the accountant, as the director then has more control of the overall situation of getting the budget out, as long as the director is qualified as an accountant. She said the charter does not affect her everyday work and she does not consult it regularly.

In response to another question, Ms. Marzelli said that the only other town official that might be appropriate to be under her, would be the human resource director. Discussion continued on the working relationship between the finance director and the administrator, and who she would appeal to if she had a disagreement with the administrator. Ms. Marzelli replied that whenever they have had an issue arise, she and the administrator had simply worked it out between them.

Mr. Johnson asked if she or the administrator chooses her staff. Ms. Marzelli said that she selects staff and the administrator appoints them, in accordance with Section 5-6(b) of the charter. Mr. Johnson also asked if she prepares a warrant for every bill presented to any town department, as specified in Section 7-5. Ms. Marzelli said that she reviews all the bills for procurement issues and appropriateness, but does not go into detail on every expenditure. She said, in response to another question, that this does not take a lot of time and it would not be better to have somebody else to it.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

October 6, 2010

Bourne High School Executive Library

Ms. Conron asked about having the Director of Finance report directly to the Board of Selectmen instead of to the administrator. Ms. Marzelli said that would make things difficult for her, as the selectmen are not available full time. Others noted that questions would then arise as to the division of authority between the administrator and the selectmen.

Mr. Rhatigan asked about the idea of having ISWM report to either the Board of Health or the Finance Committee. Ms. Marzelli responded emphatically that this was definitely not a good idea—especially not the Board of Health. She said she does the ISWM financials every month.

There being no further questions or comments for the Director of Finance, Mr. Johnson thanked Ms. Marzelli for meeting with the committee, and introduced Police Chief Earl Baldwin.

Chief Baldwin said there are two important things that he would like to see included in the charter. The first of these is to specify that the Police Chief operates under the provisions of M.G.L. Chapter 41, Section 97A, which gives the Chief control over department operations, including personnel matters. He said that he has this provision in his employment contract but it is not in the charter.

The second issue that Chief Baldwin would like to see included in the charter is a requirement that the Chief of Police report to the administrator and not to the selectmen. He said the selectmen now serve as arbitrator of disputes between the chief and the administrator, and that the committee should consider including this idea in the charter also.

Ms. Lorman asked if a weak chief setup would limit the number of candidates who might apply for the chief position. Chief Baldwin responded that there were other issues that will deter some candidates. He noted that the union situation at the fire department will deter candidates for the chief spot there. Ms. Conron asked if the Police Chief and Fire Chief should both have autonomy over their departments.

Mr. Rhatigan asked for clarification on the issue of the selectmen serving as arbitrators, or would it be better if the chief reported directly to the selectmen. Chief Baldwin replied that he would never bypass the administrator, but the charter should allow him to take any dispute to the selectmen for arbitration. He said the chief runs the department, but sometimes needs immediate input from the administrator which he could only get from the selectmen at a formal meeting.

Mr. Mahoney said this is the traditional chain of command – that authority has to rest with the administrator. Ms. Conron noted that we have to be careful not to undermine the authority of the administrator.

Mr. McDowell asked if the selectmen set a policy, and the administrator takes it to the chief, would he have to do it? Chief Baldwin said that 97A gives him the authority to set priorities, and that would allow him to decide if something else were more important. Ms. Conron asked if this had actually happened. Chief Baldwin said he did get requests from individual selectmen in the

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past for specific actions. His policy has been if it's not a public safety issue and does not serve all the citizens of Bourne, he would give such a request low priority.

Mr. Johnson asked whether other towns work under Section 97 or 97A, whether other towns have the chief appointed by the selectmen, and whether he would be okay with having the selectmen appoint the chief. Chief Baldwin responded that he didn't know what other towns did, especially off-Cape. He said it didn't matter who appoints the chief because the selectmen review and approve any appointment by the administrator anyway.

Mr. Johnson also asked whether reporting to the administrator brings added pressure to the chief, if any other towns have arbitration clauses in their charters, and whether an ombudsman might be a better choice for arbitration than the selectmen. Chief Baldwin responded that most requests he gets from the administrator come from the selectmen asking for something. He did not know of other towns having an arbitration clause, nor about ombudsmen.

Ms. Conron asked the chief if the current system works well for him, and he replied that he will be retiring in 21 days, so it has worked for him, but that he worked too many years in the same position waiting to be chief.

Ms. Lorman asked if there were any other areas of the charter that he would like to comment on. Chief Baldwin said there were no other issues that stand out for him.

Mr. Johnson asked if there were any enforcement mechanisms in his contract requiring the chief to carry out orders from the administrator or selectmen. The chief responded that there were not.

Chief Baldwin offered that he would like to see civil service requirements gone for police, noting that they have plenty of job protection from union membership and individual contracts.

Mr. Johnson asked if any provisions of Bourne's charter were in conflict with Sections 97 or 97A, and the chief replied that there are not.

Mr. Mahoney noted that Sections 42 and 42A provide similar definitions for fire chiefs, but that the order is reversed, with Section 42 giving the most authority to the chief.

With no further questions or comments apparent, Mr. Johnson thanked Chief Baldwin for his help. Discussion ensued on where to insert provisions for compliance with one of the sections of state statute, as well as possible requirements for arbitration. Consensus was that a new section would be added to Article 5. Mr. McDowell noted that other towns include police and fire chiefs in their charters.

Ms. Lorman reminded the committee that there are other town officials who are nearing retirement, and that the committee needs to look at the charter on a "go forward basis" to cover events that will occur within the next five years.

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Discussion returned to review of the charter. Mr. McDowell said that Section 10-5 should be struck because it refers only to actions that have already passed with appointment of the first administrator. Mr. Johnson said that a reference to the original charter might be inserted instead for historical purposes.

Mr. Johnson asked if the charter should specify how many people should be on the charter review committee. There is apparently no set number. The earlier committee had eight members.

Mr. Ewell suggested that the committee consider reducing the number of people on the planning board. He said that he had worked for four planning boards that had either five, seven or nine members. He said the five-member board was effective at getting things decided and that the nine-member board had trouble getting anything done.

Mr. Ewell also asked if there should be a separate committee specified in the charter for long-range planning, noting that the planning board is so busy with day-to-day development and zoning issues that it never gets to think about long-range issues. He pointed out that Bourne finally got a Local Comprehensive Plan only after the selectmen appointed an ad hoc committee to prepare it. Ms. Conron and others strongly endorsed this idea, but with reservations that it would likely be opposed by current planning board members.

Ms. Loring raised the issue of control of the community center. Ms. Conron said the library model is similar, in that the building is controlled by the library trustees, but the director reports to the town administrator. Ms. Loring countered that the library has only one tenant, but the community center houses the Council on Aging, Recreation Commission, and other activities. She said the entire building is considered to be a war memorial, which puts it under the control of the Trustees of the Soldier's Memorials. She also said that maintenance is a problem and that the gymnasium roof leaks so badly they have to keep buckets in the middle of the floor to catch the water. The committee agreed that this is a subject for additional discussion after meeting with selectmen and users of the building.

Ms. Conron noted that state statute calls for the chair of the Board of Selectmen to be a trustee, which is in conflict with the provision of the Bourne charter that says selectmen cannot serve on other town committees.

Ms. Loring said that the last charter review committee did not get to talk to the library trustees, so this committee should do so in order to include their concerns in the charter review.

Referring to Section 7-1, Mr. Johnson said only the selectmen should be able to set the form of the budget; that the administrator could withhold information if he sets the form. Questions also arose about the timing for submission of the finance committee reports to the public.

Mr. McDowell proposed a list of questions for the town administrator to address at the next meeting. He grouped these into four subjects as follows:

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1. The requirement of a 4/5 vote for appointment of the administrator;
2. The requirement of a 4/5 vote for dismissal of the administrator;
3. The process for approval and award of all contracts for all town departments; and
4. The appointment of personnel, and why the process is different for the HR Director.

Mr. Rhatigan said the committee should also ask the administrator about his span of control.

Ms. Loring said the committee should ask for clarification of the word "appoint." Does it mean the same as "hire" and should it be added to the charter's list of definitions.

Ms. Lorman wants to ask the administrator is there is any confusion between the charter and the bylaws that affect day to day operations.

Mr. Johnson wants to ask the administrator about Section 10-1, which says that the charter supersedes the provisions of any town bylaws, rules, regulations, special acts and acceptances of general law with which it might conflict.

Mr. Johnson said that both Thomas Groux and Tom Guerino were scheduled to meet with the committee at the next meeting and wondered whether there would be sufficient time to talk with both men, given the number of questions the committee has for the administrator. Mr. Ewell said that since Mr. Groux would be coming from Chatham, and since we had trouble scheduling him for earlier meetings and do not have a lot of questions for him, that we should not change the agenda, but meet with him first. The committee agreed.

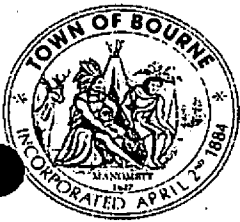
Ms. Conron reported that she had not received any new responses to the public survey. Mr. Ewell noted that it had been published in the Bourne Enterprise, along with a front page article. Questions arose about whether the interactive survey published on the town web site was working as it was intended.

On a motion by Ms. Lorman, seconded by Mr. Mahoney, the meeting adjourned at 9:14 PM.

Respectfully submitted,



Wesley Ewell, Clerk



2010 OCT 8 AM 10 48

TOWN CLERK'S OFFICE

## CHARTER REVIEW COMMITTEE

### MEETING NOTICE

**Date**

Wednesday  
October 13, 2010

**Time**

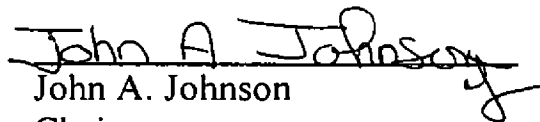
7:00 P.M.

**Location**

Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

- 1) Call meeting to order
- 2) Approval of minutes
- 3) Tom Groux and Tom Guerino to talk about their experience with the Charter, suggestions for improvements and/or changes. Questions from the committee and the public
- 4) Discussion re: hearing from the Selectmen
- 5) Report on results of survey
- 6) Discuss future agenda items
- 7) Adjourn

  
John A. Johnson  
Chairman

Date: October 8, 2010

# BOURNE CHARTER REVIEW COMMITTEE

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Members in Attendance

Judith W. L. Condon OFFICE

Stephen P. Mahoney

Malcolm Parker McDowell

John A. Johnson

Wesley Ewell

Jacqueline M. Loring

William F. Rhatigan

Others in Attendance

Thomas Groux, Management Consultant

Diana Barth, Bourne Enterprise

John Ford, Selectman

James Mulvey

Mike Lyons

Thomas Guerino, Town Administrator (arrived at 7:30)

Mr. Johnson called the meeting to order at 7:00 PM with seven members present. Ms. Lorman had notified the committee that she had a schedule conflict and would not attend this meeting.

Meeting minutes of October 6, 2010 were approved as submitted by unanimous vote on a motion by Mr. McDowell, seconded by Mr. Mahoney.

Mr. Johnson introduced Thomas Groux, a civic management expert who advised the Bourne charter commission and served as interim administrator after the charter was first adopted.

Mr. Groux said that the initial charter effort was driven by the desire of the town to move from a three-member full-time board of selectmen to a five-member part-time policy board with a professional administrator. He said that the Bourne charter was based on the Winchester model and noted that he worked with Attorney Douglas Randall to write that model charter and was the first town manager in Winchester under the new charter.

Mr. Groux said that the former full-time selectmen unanimously opposed adoption of the home rule charter and the change in government that would put them out of their jobs. Because of their opposition, it would not have been appropriate for them to appoint the first administrator. That is why he was appointed as interim administrator until a special election seated the new board of selectmen. Mr. Groux left after the new board appointed Bill Griffith as the first administrator. He came back to Bourne once to meet with the first charter review committee five years ago.

Mr. Johnson asked Mr. Groux if he had any general recommendations for improvements to the charter. Mr. Groux responded that he was not familiar with changes made after the last charter review, but he thought the selectmen should clearly be a policy body and the town administrator should be fully in charge of running the government, including preparing the budget, managing



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department heads, personnel, police and fire chiefs, capital planning and all other day-to-day management duties.

Mr. Groux said he thought it would have been helpful to have ISWM and the DPW combined under one manager, as their responsibilities were so closely tied together. Mr. Johnson asked if there would be a problem with that idea because ISWM is an enterprise fund operation and the DPW is a town department. Mr. Groux responded that other towns have enterprise fund units within town departments.

Ms. Conron noted that the last revision to the charter strengthened the role of the administrator somewhat, clarified the policy role of the selectmen, and established a charter compliance committee. Mr. Groux said he thought a compliance committee was unnecessary and noted that they have never had to act on any issue. Mr. Ewell cited Mr. Troy's statement to the committee that the mere existence of such a committee tends to encourage compliance with the charter.

Mr. Johnson asked if Mr. Groux would see any problem with removing transition procedures from Article 10, one suggestion being to simply say these procedures were adopted and followed, and referring to the original charter for historic perspective. Mr. Groux replied that it is probably worth dropping all of these provisions. He said about half of the towns with charters have dropped these provisions, and that he saw no harm whether they are dropped or kept in.

Mr. Johnson asked if the committee should better define some of the vague words in the charter, such as "broad" or "specific" that are applied to the policy making authority of the selectmen. Mr. Groux said these words may be a product of the uncertainty surrounding adoption of the charter ten years ago, and that they should probably be removed entirely.

Mr. McDowell asked about the issue of requiring a four-fifths vote to appoint or remove the administrator. Mr. Groux said he had thought a lot about that when he read it, as he did not realize that it was in the charter. He said that from the town's perspective a simple majority vote for both appointment and dismissal makes more sense. He does not see much difference in the way a manager would operate either way.

Mr. Groux said that if an administrator really ought to leave, that it would be to the manager's advantage to make the move without a lot of controversy. He said he encourages his clients to make votes to appoint unanimous even if it means some selectmen have to vote for the person they think may not be the best candidate. He said it is important that any administrator have a decent contract with adequate separation provisions so that a person with a family to support is not left out in the cold if abruptly terminated. He also noted that some candidates will not take a position without unanimous votes of approval.

Mr. Mulvey asked Mr. Groux, of all the charters he has been involved with, is there any that is more refined than others, and also what he thought about the review process. Mr. Groux replied that all of the charters are basically alike and he did not know of any that stood out. He said he

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does not favor a review every five years, although a ten-year review might be okay. Mr. Mulvey asked if a ten-year review might be too long to wait to change problem issues. Mr. Groux replied that town meeting can make minor changes to the charter any time without a formal review. Mr. Groux also noted that changing the vote to appoint or dismiss the administrator cannot be done by town meeting, but can only be done by a formal charter commission or special act of the state legislature. He said that minor changes to the charter do not have to go through the state under M.G.L. Chapter 43B.

When asked about including the human resources position in the charter, Mr. Groux said the charter should be as simple and brief as possible and should not address specific positions. He said that personnel matters should not even be brought to town meeting except for budgeting, and that the selectmen and administrator should define these positions. Mr. Guerino said that because the human resources director was to be a contracted position, Mr. Troy ruled that it had to go to town meeting for approval.

Mr. Johnson asked about the provision that states the charter supersedes state statutes. Mr. Groux said this was established by a landmark case involving the town of Agawam about 1983. He said the case went all the way to the Supreme Judicial Court, which ruled that a home rule charter takes precedence over state law.

There being no more questions or comments apparent, Mr. Johnson thanked Mr. Groux for meeting with the committee and sharing his experience and wisdom. He then introduced Mr. Guerino at 7:50 PM.

Mr. Guerino said that he had been reading the committee's minutes with interest. He proceeded to address selected items from the committee's list of issues for further discussion.

On the question of the number of votes needed to appoint or dismiss the administrator, Mr. Guerino reiterated Mr. Groux's statement that some candidates will not accept a position without a unanimous vote. He noted that there is frequent turnover among selectmen, and a subsequent learning curve for each one, making it important to keep an administrator for stability and institutional history.

Mr. Guerino said he concurs that the charter should require a comprehensive plan review at regular intervals because otherwise the plan gets ignored in favor of more pressing issues.

Regarding the idea of requiring administrators to have experience in Massachusetts, Mr. Guerino said that the general laws in most states are similar and that neither residency nor experience in the state is relevant. He noted that the administrator is not the sixth selectman, but is just doing his job, and should not be expected to talk business with every constituent he might meet in the supermarket. He said that where the administrator resides should not be an issue.

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On the question of wording being specific or general, Mr. Guerino said it does not matter. He said the selectmen set goals and the administrator carries them out. He said this seems to have worked fairly well over the last five and half years he has been in this position.

Regarding the issue of appointing authority, Mr. Guerino said the selectmen should appoint key department heads and that lesser positions do not need veto power by selectmen under the charter. He said designating selectmen as arbitrators is a real good idea but only when the person requesting arbitration is appointed by the administrator. Ms. Conron cited Chief Baldwin's testimony before the committee. Mr. Guerino said he does not get involved in the day to day operations of any departments. He said he expects department heads to know what they are doing. He said the selectmen should have veto power over his appointments.

Mr. Rhatigan asked about the administrator's span of control. Mr. Guerino said the selectmen have this issue in their goals, and that they may reorganize some departments. He noted that he should have only six or seven people reporting directly to him, but currently has twenty-one.

Mr. Johnson returned to the appointment issue and asked why the selectmen couldn't be both arbitrators and appointing authority. Mr. Guerino responded that if that were the case, the administrator would become a secondary concern to the chief, and lose any authority he had. He noted that every other department head, except for the police and fire chiefs, have arbitration clauses in their union contracts.

Mr. Johnson noted that there is nothing in the charter that requires the administrator to fill vacancies within certain time frames, and asked if there should be a provision that allows the selectmen to fill vacant positions if the administrator doesn't act within a certain period of time. Mr. Guerino replied that, aside from recent issues, if the administrator is not comfortable with applicants from the civil service list, he may be in a position of leaving a position vacant until a satisfactory applicant can be found. He suggested that another option might be to include a sentence that says if a position is not filled within a certain time, the administrator and selectmen must meet to discuss the problem. There was extensive discussion on this issue between Mr. Guerino and committee members. Mr. Johnson concluded that there seem to be holes in the charter that need to be addressed.

Mr. Ewell asked about including reference to Chapter 41, Sections 97A and 42 in the charter sections on the police and fire chiefs. Mr. Guerino replied that 97A should absolutely be included for the police position, but not Section 42 for the fire chief.

Mr. Guerino, referring to the issue of management of the community center, said that Town Counsel Robert Troy has ruled on this question and determined that the trustees of memorials are responsible for management of the entire building. Mr. Rhatigan asked if there should be a qualified person in charge of building maintenance and repair. After extensive discussion of this issue, Mr. Guerino said there are qualified persons working for the town who maintain the building. He concluded that the trustees and other commissions are technically not needed under

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the charter, but are invaluable to the administrator. Mr. Mulvey added that the trustees are charged with the care, custody and maintenance of the building, but that it is also a community center and the trustees are not involved in day to day operations.

Mr. McDowell asked about the general procedure for approving and signing contracts. Mr. Guerino replied that all contracts go out to bid. He said town counsel reviews significant contracts; the administrator reviews and signs all contracts; and selectmen do not sign off on any contracts. Mr. MacDowell asked if there should be a limit on the size or nature of contracts that go to selectmen for review. Mr. Ewell noted the committee is concerned about the effect of him signing long-term contracts that might remain in effect long after he is gone. Mr. Guerino said that most contracts are bid every year and there are very few long-term contracts. He said it is not a good idea to codify a dividing line between size or terms of contracts, and that town counsel review provides very good protection.

In regard to the human resources position and Mr. Troy's letter, Mr. McDowell asked if there should be a change in the charter to specifically clarify the administrator's authority to appoint personnel. Mr. Guerino responded that the charter does provide for that. As for the human resources position, he said there is no payment and compensation plan and no union contract, therefore the position had to be approved by town meeting.

Ms. Loring produced a memo that she had received regarding the open meeting law and asked if Mr. Guerino knew who produced it. Mr. Guerino at first said it came from the attorney general's office, but then said he could not be sure because it had no letterhead or other identification of its source.

Mr. Mulvey suggested the charter committee define the problems that it identifies and ask the town administrator and others to write up the changes that are needed.

The agenda for next week is to include interviews with two selectmen, to be invited to appear individually at different times. If time allows, the committee will also discuss Articles 9 and 11.

Mr. McDowell requested that Mr. Ewell number the issues on the list of issues to be discussed.

On a motion by Mr. Rhatigan, seconded by Mr. Mahoney, the meeting adjourned at 9:13PM.

Respectfully submitted,



Wesley Ewell, Clerk

MEMO

October 14, 2010

To: All Town Clerks

2010 OCT 14 PM 2 42

FROM: Barnstable County Charter Review Committee

EDBURN, MASS.

RE: Proposed Changes to the Barnstable County Home Rule Charter

The above committee had intended to hold public hearings on the proposed changes to the Home Rule Charter. However, circumstances beyond our control prevented this from occurring. We are, therefore, asking all Town Clerks to post this notice to assist voters in responding to the question that will appear on the November Ballot: **"Shall the revisions to the Barnstable County Charter proposed by the Assembly of Delegates be adopted?"**

The proposed amendment changes pertain to Section 9-4 of the Charter:

- legal holidays falling on the first or third Wednesday of the regular meeting days of the Assembly of Delegates;
- changing the date for organization to no later than January 15 the;
- statement dealing with a decision if a quorum of the Assembly of Delegates is not present
- removing reference to residency requirement for the County Administrator;
- deleting the language with the temporary absence of the County Administrator;
- deleting Sections 9-7, 9-8, 9A-1, 9B-1 which deal with personnel issues; and
- deleting language dealing with transitional and contingency components of legislation never enacted.

*Hand Copy  
for record  
11/3/10*

**DRAFT-Housekeeping Changes  
October 16, 2010  
Revised October 28, 2010**

**Recommendations to May, 2011 Annual Town Meeting**

The Charter Review Committee recommends the following changes to the Amended 2007 Charter. Changes are in bold for easy reading. Text to be struck is shown in bold and underlined>

**Article 2 Section 2-5: Initiation of Warrant Articles-subsections (b) and (c)**

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

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

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

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

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

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the goals, policies and action items of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 45 days after

2010 OCT 28 PM 3:00  
2010 OCT 28 PM 3:00  
2010 OCT 28 PM 3:00

the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments shall act through the adoption of broad policy guidelines through the Town Administrator.

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

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

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

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

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

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

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

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

The Board of Selectmen, by an affirmative vote of 4 members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within

the amount annually appropriated for this purpose. The office of the Town Administrator shall not be subject to the Personnel by-law. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience,

The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during his or her term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

to

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

The Board of Selectmen, by an affirmative vote of four (4) members, shall appoint the Town Administrator for an indefinite term and fix the Town Administrator's compensation within the amount annually appropriated for this purpose. The Town Administrator shall be appointed solely on the basis of executive and administrative qualifications.

The Town Administrator shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training and previous experience in municipal administration. The Town Administrator shall have a Bachelors Degree, preferably a Masters Degree, in Public Administration, Business Management or related field; at least seven (7) years experience in an upper level executive municipal position; or equivalent combination of education and experience.

The Administrator shall devote full time to the office and shall not hold any other public office, elective or appointive, or engage in any other business or occupation during his term, unless such action is approved in advance, in writing, by the Board of Selectmen. The town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.

**Explanation** – The Personnel by-law no longer exists therefore the reference to it needs to be deleted from the Charter.

#### **Article 4 Section 4-4: Temporary Absence**

The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen



designate as Acting Town Administrator, a qualified officer or employee of the town to perform the duties of the Town Administrator during a temporary absence or disability. If this absence or disability exceeds 30 days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. If the Town Administrator fails to make a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified employee of the town to perform the duties of the Town Administrator until the Town Administrator shall return.

to

The Town Administrator may, by letter filed with the Town Clerk and Board of Selectmen designate as Acting Town Administrator, a qualified officer or employee of the town to perform the duties of the Town Administrator during a temporary absence or disability. If this absence or disability exceeds thirty (30) days, any designation made by the Administrator shall be subject to the approval of the Board of Selectmen. If the Town Administrator fails to make a designation, or if the person so designated is unable to serve, the Board of Selectmen may designate some other qualified employee of the town to perform the duties of the Town Administrator until the Town Administrator shall return.

**Article 4 Section 4-6: Powers and Duties-subsections (b)**

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his or her charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes to reject the appointment within this period.

to

The Town Administrator shall be the chief administrative officer of the town. The Town Administrator shall be responsible to the Board of Selectmen for the proper administration of all town affairs placed in his charge by or under the charter. The Town Administrator shall have the following powers and perform the following duties:

(b) appoint, and in appropriate circumstances, remove, subject to civil service laws and collective bargaining agreements where applicable, all department heads and employees as well as members of the Board of Assessors and other employees for whom no other appointment provision is made in this charter. Appointments made by the Town Administrator shall be effective immediately except that appointments of department heads and members of the Board of Assessors shall become effective on the fifteenth (15<sup>th</sup>) day after the day on which notice of the proposed appointment is filed with the Board of Selectmen, unless a majority of the Board of Selectmen votes

to reject the appointment within this period.

**Article 5 Section 5-2: Organization of Town Government**

Subject only to the express prohibitions in the constitution, general laws or the charter, the Town Administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as it considers necessary or advisable. The Town Administrator may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; but no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other. The Town Administrator shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency that Town Administrator may consider necessary or advisable in accordance with this Section. Any proposed plan submitted under this section by the Town Administrator must be approved by an affirmative vote of three members of the Board of Selectmen.

to

Subject only to the express prohibitions in the constitution, general laws or the charter, the Town Administrator may prepare a plan to organize, reorganize, consolidate or abolish any town agency as he considers necessary or advisable. The Town Administrator may prescribe the functions of any town agency and, for such purpose, transfer the powers and duties and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriations of one town agency to another; but no function assigned by the charter to a particular town agency may be discontinued, or unless the charter specifically so provides, assigned to any other. The Town Administrator shall not be prohibited by this charter from including the Department of Public Works or the Department of Integrated Solid Waste Management in any plan to organize, reorganize, consolidate or abolish any town agency that Town Administrator may consider necessary or advisable in accordance with this Section. Any proposed plan submitted under this section by the Town Administrator must be approved by an affirmative vote of three (3) members of the Board of Selectmen.

**Article 5 Section 5-3: Public Hearing and Effective Date**

Whenever the Board of Selectmen approves such a proposed plan, it shall hold 1 or more public hearings on the proposal, giving notice by publication in a local newspaper at least 7 days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have 14 days after the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than 60 days following the Selectmen's vote on the final plan. Where the reorganization moves function or funding from 1 department to another, voters may petition for a Special Town Meeting to address the changes.

to

Before the Board of Selectmen approves such a proposed plan, it shall hold one (1) or more

public hearings on the proposal, giving notice by publication in a local newspaper at least seven (7) days in advance of such hearing. The notice shall describe the scope of the proposal as well as the date and place where the hearing will be held. The Selectmen have fourteen (14) days after the close of the public hearing to propose amendments, if any, and vote on the final plan. The proposed organization shall become effective no sooner than sixty (60) days following the Selectmen's vote on the final plan. Where the reorganization moves function or funding from one (1) department to another, voters may petition for a Special Town Meeting to address the changes.

**Explanation** – The word “before” implies a unique time when specific actions and events are to occur and as such is a more appropriate word than “whenever”.

**Article 5 Section 5-4: Department of Public Works-subsection (b)**

(b) Superintendent of Public Works - The Department of Public Works shall be under the direct control of a Superintendent of Public Works who shall be appointed by and who shall be directly responsible to the Town Administrator. The Superintendent of Public Works shall be a registered civil engineer, or a person otherwise especially suited by education, training or previous experience to perform the duties of the office. The Superintendent of Public Works shall keep full and complete records of the doings of his office and shall render a report of all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties. The position of Superintendent of Public Works shall be a permanent classified position under the salary administration plan by-law, as from time to time amended and supplemented.

to

(b) Superintendent of Public Works - The Department of Public Works shall be under the direct control of a Superintendent of Public Works who shall be appointed by and who shall be directly responsible to the Town Administrator. The Superintendent of Public Works shall be a registered civil engineer, or a person otherwise especially suited by education, training or previous experience to perform the duties of the office. The Superintendent of Public Works shall keep full and complete records of the doings of his office and shall render a report of all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties.

**Explanation** – The salary administration plan by-law no longer exists therefore the reference to it needs to be deleted from the Charter,

**Article 5 Section 5-5: Department of Integrated Solid Waste Management-subsection (c)**

(c) The General Manager shall be qualified by education, training and previous experience to perform the duties of the office. The General Manager shall keep full and complete records of the doings of his office and report on all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties. The position of General Manager of solid waste shall be a

**permanent classified position under the salary administration plan by-law as from time to time amended and supplemented.**

to

(c) The General Manager shall be qualified by education, training and previous experience to perform the duties of the office. The General Manager shall keep full and complete records of the doings of his office and report on all operations under his control to the Town Administrator and Board of Selectmen as may be required. He shall keep the Town Administrator fully advised as to the needs of the town within the scope of his duties.

**Explanation –** The salary administration plan by-law no longer exists therefore the reference to it needs to be deleted from the Charter.

**Article 5 -Section 5-6: Department of Finance-subsections (b) through (f)**

(b) Director of Finance - The Director of Finance shall be appointed as 4-6(c). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. **The first Director of Finance shall also serve as Town Accountant. Successive** Directors of Finance may serve as Town Accountant, Treasurer, Town Collector or Principal Assessor, but the Finance Director may not serve as Town Accountant and Treasurer or as Town Accountant and Town Collector simultaneously. At the discretion of the Town Administrator, the Director of Finance may serve as the head of any division within the department. The Town Administrator may also designate a person to serve as head of more than one (1) division within the department. The Director of Finance shall be responsible to the Town Administrator for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the Town Administrator, shall have the authority to direct and assign all personnel serving in that department. The Director of Finance shall be responsible to the Town Administrator and shall have the following specific powers and duties, subject to the direction of the Town Administrator:

1. coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, related data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code accepted practice;
2. accountability for planning, organizing and providing administrative direction for all financial functions;
3. working with the Town Administrator in developing strategic financial plans and policies;
4. compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Administrator. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the proposed property tax levy and from every

other source by category; and

5. general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.

- (c) Board of Assessors – There shall be a Board of Assessors, consisting of three members, appointed by the Town Administrator for overlapping terms of three years. The Board of Assessors shall have all of the duties and responsibilities assigned to Boards of Assessors by Massachusetts General Law.
- (d) Town Accountant - There shall be a Town Accountant appointed as provided for in Section 4-6(b). The Town Accountant shall be qualified in accordance with the General Laws and shall have a Bachelor's Degree in accounting and at least three years prior full time accounting experience. The Town Accountant shall have the powers and duties conferred upon Town Accountants by General Laws. The Town Accountant shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his or her duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6(c) and Section 10-5(g). The Treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The Treasurer shall have the powers and duties conferred and imposed upon Town Treasurers by General Laws, this Charter and Town Bylaws. The Treasurer shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his or her duties.
- (f) Town Collector – There shall be a Town Collector appointed as provided for in Section 4-6(c) and Section 10-5(g). The Town Collector shall be especially fitted by education, training and experience to perform the duties of the office. The Town Collector shall have the powers and duties conferred upon Town Collectors and Tax Collectors by General Laws, this Charter and Town Bylaws. The Town Collector shall be responsible to the Finance Director and in turn the Town Administrator for the proper performance of his or her duties.

to

- (b) Director of Finance - The Director of Finance shall be appointed as 4-6(b). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. Directors of Finance may serve as Town Accountant, Treasurer, Town Collector or Principal Assessor, but the Finance Director may not serve as Town Accountant and Treasurer or as Town Accountant and Town Collector simultaneously. At the discretion of the Town Administrator, the Director of Finance may serve as the head of any division within the department. The Town Administrator may also designate a person to serve as head of more than one (1) division within the department. The Director of Finance shall be responsible to the Town Administrator for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the Town Administrator, shall have the authority to direct and assign all personnel serving in that department. The Director of Finance shall be responsible to the Town Administrator and shall have the following specific powers and duties, subject to the direction of the Town Administrator:

- 1. coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections,

other source by category; and

5. general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.

- (c) Board of Assessors – There shall be a Board of Assessors, consisting of three members, appointed by the Town Administrator for overlapping terms of three years. The Board of Assessors shall have all of the duties and responsibilities assigned to Boards of Assessors by Massachusetts General Law.
- (d) Town Accountant - There shall be a Town Accountant appointed as provided for in Section 4-6(b). The Town Accountant shall be qualified in accordance with the General Laws and shall have a Bachelor's Degree in accounting and at least three years prior full time accounting experience. The Town Accountant shall have the powers and duties conferred upon Town Accountants by General Laws. The Town Accountant shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his or her duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6[c] and Section 10-5[g]. The Treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The Treasurer shall have the powers and duties conferred and imposed upon Town Treasurers by General Laws, this Charter and Town Bylaws. The Treasurer shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his or her duties.
- (f) Town Collector – There shall be a Town Collector appointed as provided for in Section 4-6[c] and Section 10-5[g]. The Town Collector shall be especially fitted by education, training and experience to perform the duties of the office. The Town Collector shall have the powers and duties conferred upon Town Collectors and Tax Collectors by General Laws, this Charter and Town Bylaws. The Town Collector shall be responsible to the Finance Director and in turn the Town Administrator for the proper performance of his or her duties.

to

- (b) Director of Finance - The Director of Finance shall be appointed as 4-6(b). The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the office. Directors of Finance may serve as Town Accountant, Treasurer, Town Collector or Principal Assessor, but the Finance Director may not serve as Town Accountant and Treasurer or as Town Accountant and Town Collector simultaneously. At the discretion of the Town Administrator, the Director of Finance may serve as the head of any division within the department. The Town Administrator may also designate a person to serve as head of more than one (1) division within the department. The Director of Finance shall be responsible to the Town Administrator for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the Town Administrator, shall have the authority to direct and assign all personnel serving in that department. The Director of Finance shall be responsible to the Town Administrator and shall have the following specific powers and duties, subject to the direction of the Town Administrator:
  - 1. coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections,

assessing, related data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code accepted practice;

2. accountability for planning, organizing and providing administrative direction for all financial functions;

3. working with the Town Administrator in developing strategic financial plans and policies;

4. compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Administrator. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall show in detail all estimated income from the proposed property tax levy and from every other source by category; and

5. general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.

- (c) Board of Assessors – There shall be a Board of Assessors, consisting of three (3) members, appointed by the Town Administrator for overlapping terms of three (3) years. The Board of Assessors shall have all of the duties and responsibilities assigned to Boards of Assessors by Massachusetts General Law.
- (d) Town Accountant - There shall be a Town Accountant appointed as provided for in Section 4-6(b). The Town Accountant shall be qualified in accordance with the General Laws and shall have a Bachelor's Degree in accounting and at least three (3) years prior full time accounting experience. The Town Accountant shall have the powers and duties conferred upon Town Accountants by General Laws. The Town Accountant shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his duties.
- (e) Treasurer – There shall be a Town Treasurer appointed as provided for in Section 4-6[b]. The Treasurer shall be especially fitted by education, training and experience to perform the duties of the office. The Treasurer shall have the powers and duties conferred and imposed upon Town Treasurers by General Laws, this Charter and Town Bylaws. The Treasurer shall be responsible to the Finance Director and in turn to the Town Administrator for the proper performance of his duties.
- (f) Town Collector – There shall be a Town Collector appointed as provided for in Section 4-6[b]. The Town Collector shall be especially fitted by education, training and experience to perform the duties of the office. The Town Collector shall have the powers and duties conferred upon Town Collectors and Tax Collectors by General Laws, this Charter and Town Bylaws. The Town Collector shall be responsible to the Finance Director and in turn the Town Administrator for the proper performance of his duties.

**Explanation** – The transitional position of “First Director of Finance” has expired and reference to language and duties specific to that position needs to be deleted from the Charter.

The transitional Section 10-5[g] in subsections (e) and (f) should be 10-5[h] but Section 10-5[h] has occurred making it irrelevant and in conflict with Section 4-6[b]

and as such it should be deleted from this Section and the Charter.

**Article 6 Section 6-4: Constable**

There shall be one Constable elected for a three (3) year term.

The Constable shall have all of the powers and duties given to Constables under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

to

There shall be one (1) Constable elected for a three (3) year term.

The Constable shall have all of the powers and duties given to Constables under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by by-law or by other Town Meeting vote.

**Article 7 Section 7-2: Capital Improvement Program and Capital Budget**

The Town Administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement program to the Board of Selectmen prior to the date fixed by by-law and prior to the submission of the operating budget. The capital improvement plan shall include a clear summary of its contents; an itemization of all capital improvements, including those of the School Department, proposed to be undertaken during the next five fiscal years with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities included. The first year's budget would be the capital budget.

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The Town Administrator, in conjunction with any committee established for such purpose, shall annually submit a capital improvement program to the Board of Selectmen prior to the date fixed by by-law and prior to the submission of the operating budget. The capital improvement plan shall include a clear summary of its contents; an itemization of all capital improvements, including those of the School Department, proposed to be undertaken during the next five (5) fiscal years with supporting data; cost estimates, methods of financing and recommended time schedules; and the estimated annual cost of operating and maintaining the facilities included. The first year's budget would be the capital budget.

**Article 8 Section 8-1: Charter Changes-subsection (b)**

(b) Periodic Charter Review: At least once in every five years a special committee shall be appointed by the Board of Selectmen for the purpose of reviewing the provisions of the charter and to make a report to the Town Meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed immediately following an annual Town Meeting and shall make its report at the next annual Town Meeting

to

(b) Periodic Charter Review: At least once in every five (5) years a special committee shall be appointed by the Board of Selectmen for the purpose of reviewing the



provisions of the charter and to make a report to the Town Meeting concerning any proposed amendments or revisions which the committee deems necessary. The committee shall be appointed immediately following an annual Town Meeting and shall make its report at the next annual Town Meeting.

**Article 8 Section 8-7: Computation of Time**

In computing times under the charter, if seven days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted. If more than seven days, every day shall be counted.

to

In computing times under the charter, if seven (7) days or less, only business days, not including Saturdays, Sundays or legal holidays shall be counted. If more than seven (7) days, every day shall be counted.

**Article 8 Section 8-9: Definitions-subsection (g)**

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meaning:

(g) Multiple Member Body – The words "multiple member body" shall mean any board, commission or committee consisting of two or more persons, whether elected or appointed.

to

(g) Multiple Member Body – The words "multiple member body" shall mean any board, commission or committee consisting of two (2) or more persons, whether elected or appointed

**Article 9 Section 9-2: Recall Petition**

Any 250 or more qualified voters of the town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance. The petition, before being returned and filed with the Town Clerk, shall have been signed by not less than 10 per cent of the qualified voters as of the most recent annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number, if any. The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

to

Any **two hundred and fifty (250)** or more qualified voters of the town may file with the Town Clerk an affidavit containing the name of the elected official sought to be recalled and a statement of the grounds of recall. Said Town Clerk within ten (10) working days shall thereupon deliver to any one (1) or more of the voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. Said blanks shall be issued by the Town Clerk with his signature and official seal attached thereto; they shall be dated and addressed to the Board of Selectmen of the town; shall contain the name of the official sought to be recalled, the office from which recall is sought, the grounds of recall as stated in said affidavit, and shall demand the election of a successor to such office. A copy of the petition shall be entered in a record book to be kept in the office of the Town Clerk. Said recall petition shall be returned and filed with the Town Clerk within forty-five (45) days after its issuance. The petition, before being returned and filed with the Town Clerk, shall have been signed by not less than **ten per cent (10%)** of the qualified voters as of the most recent annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number, if any. The Town Clerk shall, within five (5) working days following the date of such filing, submit the petition to the registrars of voters and the registrars shall forthwith verify thereon the number of signatures which are names of registered voters as of the date of the most recent town election.

#### **Article 9 Section 9-3: Recall Election**

If the petition shall be found and certified by the Town Clerk to be sufficient, the Clerk shall submit it with the Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within five calendar days after receipt of such written notice, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however that if any other town election is scheduled to be held within one hundred twenty days (120) after the date of the certificate, the Board of Selectmen may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in said office after a recall election has been ordered by the Board of Selectmen, the election shall proceed as provided in this section.

to

If the petition shall be found and certified by the Town Clerk to be sufficient, the Clerk shall submit it with the Clerk's certification to the Board of Selectmen without delay. The Board of Selectmen shall forthwith give written notice of receipt of the certificate to the official sought to be recalled. If the official does not resign within five (5) calendar days after receipt of such written notice, the Board of Selectmen shall order a recall election to be held on a date fixed by them not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient petition has been filed; provided however that if any other town election is scheduled to be held within one hundred twenty days (120) after the date of the certificate, the Board of Selectmen may, at its discretion, postpone the holding of the recall election to the date of the other town election. If a vacancy occurs in said office after a recall election has been ordered by the Board of Selectmen, the election shall proceed as provided in this section.

**Article 9 Section 9-5: Incumbent Status**

The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 9-7.

If the elected official is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the unexpired term of the officer removed. If the successor fails to qualify within five working days after receiving notification of his election, the incumbent shall thereupon be removed and the office vacant.

to

The incumbent shall continue to perform the duties of his office until the recall election. If he is not recalled, he shall continue in office for the remainder of his unexpired term, subject to recall as before, except as provided in section 9-7.

If the elected official is recalled, he shall be deemed removed upon the qualification of his successor, who shall serve for the balance of the unexpired term of the officer removed. If the successor fails to qualify within five (5) working days after receiving notification of his election, the incumbent shall thereupon be removed and the office vacant.

**Article 9 Section 9-8: Limit on Recalled Official**

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him shall be elected or appointed to any town office within one year after such recall or resignation.

to

No person who has been recalled from an office or who has resigned from an office while recall proceedings were pending against him shall be elected or appointed to any town office within one (1) year after such recall or resignation.

**Article 10 Section 10-5: Effective Date**

**The charter shall become fully effective upon its approval by the voters, except as otherwise provided:**

**(a) Upon adoption of the charter, the Board of Selectmen, Registrars of Voters, the Town Clerk and other election officers of the town shall be empowered to hold and shall hold a special election to be held on the fourth Wednesday in June following its adoption by the voters. Two vacancies on the Board of Selectmen shall be filled at said election enlarging the Board of Selectmen to consist of five (5) members.**

**(b) At the special election, the two additional Selectmen shall be chosen as follows: the candidate receiving the largest number of votes shall be elected Selectmen for a term ending on the day of the annual town election in 2004; and the candidate receiving the second largest number of votes shall be elected Selectmen for a term ending on the day of the annual town election in 2003. Annually thereafter, there shall be elected a Selectman or Selectmen equivalent**

to the number of vacant positions to be filled at each annual election.

(c) Persons elected to the Board of Selectmen at the special election shall be sworn into office immediately upon certification of the vote by the Town Clerk.

(d) Upon adoption of the charter and prior to the special election, the Board of Selectmen shall appoint a qualified person to serve as temporary Town Administrator who shall exercise

the rights and perform the duties of the Town Administrator. The temporary Town Administrator shall serve in this capacity for a period not to exceed six (6) months or until such time as the Town Administrator is appointed and qualified or for no more than an additional six (6) months. The temporary Town Administrator shall be ineligible for appointment as Town Administrator.

(e) Upon adoption of the charter a Town Administrator Search Committee shall be established to assist the Board of Selectmen in the recruitment and selection of the first Town Administrator. The Town Administrator Search Committee shall consist of seven (7) members and shall be established as follows: two (2) members of the 2000 Charter Commission selected by the Charter Commission; two (2) members of the public appointed by the Moderator; one (1) member of the Finance Committee selected by that committee and two (2) members appointed by the Selectmen not to include a Selectman. The search committee shall advertise, solicit and interview candidates for the position of Town Administrator. The search committee shall present not less than four (4) and not more than seven (7) candidates for the position of Town Administrator to the Board of Selectmen. In the event the Board of Selectmen does not select one of the candidates presented to it within thirty (30) days then the search committee shall resume its search and submit an additional list of candidates to the Board of Selectmen within sixty (60) days of its resuming of the search.

(f) Upon adoption of the Charter, and prior to the date the Charter Commission ceases to exist, said Commission shall select two (2) of its members who shall serve on the Town Administrator Search Committee described in Section 10-5(e) above and forward the names of those individuals to the Board of Selectmen.

(g) Until such time as the annual salary for the Town Administrator is otherwise established the initial salary shall be set at not less than \$80,000 per annum.

(h) The Town Treasurer and Town Collector who have heretofore been elected and who will henceforth be appointed under the provisions of this charter shall serve for the balance of their terms or a sooner vacancy of office, but their successors shall be appointed. Upon the expiration of the terms of office of the Treasurer and Town Collector, or anytime thereafter, the Town Administrator may combine these positions into a single position.

(i) Beginning with the town election in the year following the year in which the charter is adopted, members of the Planning Board shall be elected for three (3) year terms. One member shall be elected in 2002 for a two (2) year term, expiring in 2004. The three members to be elected in 2004 shall be elected for three (3) year terms. One member shall be elected in 2003 for a two (2) year term to expire in 2005. The three members to be elected in 2005 shall be elected for a three (3) year term. One member shall be elected in 2003 for a three (3) year term, expiring in 2006. The three members to be elected in 2006 shall be elected for a three (3) year term

(j) The provisions of this charter that relate to the establishment of a

Department of Finance shall become effective on July 1, 2002. Not more than thirty (30) days after the adoption of this charter the By-law Committee shall begin to review the existing general by-laws of the town and to make a report, with recommendations for possible changes or amendments, to the Town Meeting in the year following the year in which the charter is adopted.  
(k) Following the appointment of the first Town Administrator as provided for in Section 10-5 (e) above, said Administrator shall appoint a Board of Assessors. The initial three (3) appointments shall be phased to coincide with the expiration of the terms of office of Selectmen/Assessors elected prior to approval of this Charter. In the event that the Town Administrator has not been appointed by the expiration of the first term of the elected Selectman/Assessor in April 2002, the Board of Selectmen shall appoint the first member of the Board of Assessors.

to

(Delete entire Section 10-5)

**Explanation** – The transitional effective dates and specific actions to be taken have occurred thus making this Section irrelevant and as such it should be deleted from the Charter. If there is a subsequent change in form of government by a Charter Commission then new language would be crafted to affect the changes and this Section could be referenced in the archives if deemed useful for the construction of that language.

## Article 11

### Charter Compliance Committee

There shall be a Charter Compliance Committee consisting of 7 members, appointed by the Town Moderator for 3-year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. At least 1 member of the committee shall reside in each of the town's 6 precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by 1 or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within 3 weeks after receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the Town Clerk. If the committee votes not to

dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation for at least 7 days before the hearing date. The hearing shall occur within 60 days after the date the complaint was received by the Town Clerk.

At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within 3 weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact Town Counsel who may file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

to

There shall be a Charter Compliance Committee consisting of seven (7) members, appointed by the Town Moderator for three (3) year overlapping terms so arranged that the term of no more than three (3) members shall expire each year. At least one (1) member of the committee shall reside in each of the town's six (6) precincts. No appointee shall be a town employee or a member of any existing board or committee governed by the Charter.

The committee shall take action only after receiving a written complaint, filed by one (1) or more voters of the town, alleging a violation of this charter by reason of an act or of a failure to act of the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee or members of those committees.

The complaint shall state the specific section of this charter that is the subject of the violation, the individual or board responsible for the violation and the act or failure to act resulting in the violation. The complaint shall be filed with the Town Clerk who shall immediately send, via certified mail with return receipt requested, a copy to each member of the committee.

Within three (3) weeks after receipt of the complaint by the Town Clerk, the committee shall vote whether to dismiss the complaint without further action. If the committee so votes, the chairman shall give written notification to the Town Clerk. If the committee votes not to dismiss the complaint, the chairman shall set a time and date for a hearing, mail notice of the hearing to the Town Clerk, the complainants and the individual or board named in the complaint. The Town Clerk shall post and publish the notice in a newspaper of general circulation for at least seven (7) days before the hearing date. The hearing shall occur within sixty (60) days after the date the complaint was received by the Town Clerk.

At the hearing, the committee shall allow any person to address the committee on the merits of the complaint.

Within three (3) weeks after the hearing, the committee shall vote on whether there has been a violation of this charter as alleged in the complaint, shall mail a notice of its decision to the complainant, the individual or board named in the complaint and to the Town Clerk, who shall post a copy of the decision at Town Hall and on the town's web site.

If the committee determines that there has been a violation of this charter as alleged by the complaint, and if, following its vote, there continues to be a violation, the committee may contact Town Counsel who may file a complaint on behalf of the town with the Superior Court.

This Article shall not limit the right to seek enforcement of this charter as otherwise provided by law.

**General Explanation** – The purpose of these housekeeping recommendations is to codify and cause to make uniform the use of gender specific and numerical references. Also there are corrections to referenced sections of the Charter. Specific explanations are provided in the appropriate section for additional changes to correct outdated references.

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for record  
4/3/10

**Review of Article 3 Section 3-3: Policy Role as subsequent changes and amendments**

**ITEM A**

**~~Text of original Charter 2001~~**

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

The Board of Selectmen shall serve as the goal setting and policy-making agency of the town and shall appoint a Town Administrator to carry out such policies. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments through the Town Administrator.

**ITEM B**

**Text of 2007 Charter Review Committee Recommended Change as submitted in Warrant Article 26, Section A**

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

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

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

**ITEM C**

**Floor Amendment by 2007 Charter Review Committee to Warrant Article 26, Article A (See transcript pg. 20, lns12-15 and pg. 21, lns15-23 concerning reason for deleting the word only and pg 22, ln13 specifying which only is to be deleted)**

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

The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the guidelines of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 65 days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments only through the Town Administrator.

Nothing in this section shall be construed to authorize any member of the board of selectmen, nor a majority of its members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act

OWN CLERK'S OFFICE  
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~~(only)(deleted)~~ through the adoption of broad policy guidelines, which are to be implemented by the Town Administrator.

#### ITEM D

**Floor Amendment to amendment of "guidelines" by Mr. Sullivan** (See transcript pg. 28, lns19-20. Replace word "guidelines" with "goals, policies, and action items")

**Article 3 Section 3-3: Policy Role** (Sullivan amendment shown in bold text not underlined)  
The Board of Selectmen shall serve as the chief goal setting and policy-making agency of the town, keeping in mind the **goals, policies, and action items** of the Local Comprehensive Plan (LCP), and shall appoint a Town Administrator to carry out such policies. Policies and goals specific to each policy shall be filed with the Town Administrator no later than 65 days after the regular spring town election. Individual selectmen shall have no independent authority unless specifically voted by the Board of Selectmen. Selectmen shall deal with administrative agencies and departments only through the Town Administrator.

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

This language and amendment was passed by voice vote. (See transcript pg36, ln24)

#### ITEM E

**Town Moderator restates Floor Amendment of Warrant Article 26, Article A to include previously adopted amendment.** (See transcript pg. 37, lns4-8. to read as)

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

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

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

This language and amendment was passed by voice vote. (See transcript pg38, lns 10-14, a full reading of the transcript shows that this amendment was not brought up for reconsideration thus the language stands)

## ITEM F

The Town Meeting votes Warrant Article 26, Article A to read as

### Article 3 Section 3-3: Policy Role

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

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

## ITEM G

Article 3 Section 3-3: Policy Role as approved by General Court (Inconsistent text with the approved text of Town Meeting is shown Bold and/or italics underlined)

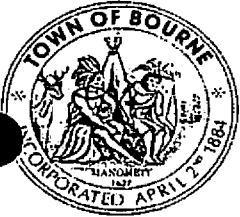
### Section 3-3: Policy Role

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

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

When Section 3-3 as approved by Town Meeting was transcribed for Massachusetts General Court the following errors were introduced:

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



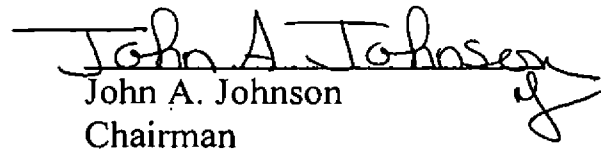
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**CHARTER REVIEW COMMITTEE**  
TOWN CLERK'S OFFICE  
BOURNE, MASSACHUSETTS  
**MEETING NOTICE**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday October 20, 2010	7:00 P.M.	Bourne High School - Library 75 Waterhouse Road Bourne

**AGENDA**

- 1) Call meeting to order
- 2) Approval minutes of October 13, 2010
- 3) John Ford and Don Pickard (Selectmen) to talk about their experience with the Charter, suggestions for improvement and/or changes.  
Questions from Committee members and public
- 4) Discuss Articles 9 and 11 of Bourne Charter
- 5) Report on results of survey
- 6) Discuss future agenda
- 7) Adjourn

  
John A. Johnson  
Chairman

Date: October 15, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
October 20, 2010  
Bourne High School Executive Library

## Members in Attendance:

Judith W. Conron  
Stephen P. Mahoney  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring  
William F. Rhatigan  
Joyce Lorman

## Others in Attendance:

John Ford, Selectmen Chairman  
Don Pickard, Selectman  
Paul Gateley, Bourne Courier  
Jim Mulvey

Mr. Johnson called the meeting to order at 7:02 PM with eight members present.

Meeting minutes of October 13, 2010 were approved as submitted by unanimous vote on a motion by Ms. Loring, seconded by Mr. Rhatigan.

Mr. Johnson introduced Selectman Chairman John Ford who presented a long list of issues that he would like to see the charter address in order to better define the roles of the administrator and the selectmen. Specifically, Mr. Ford expressed the opinion that major decisions made by the administrator, particularly with regard to personnel matters and large or long-term contracts, should be subject to review and approval by the Board of Selectmen.

Mr. Ford referred to a letter he had sent to Town Counsel Robert Troy asking what the selectman can do when they disagree with the administrator's actions. He said Mr. Troy responded that the selectmen's only recourse is to remove the administrator. He said he would like to see the charter allow dismissal of an administrator by simple majority of the selectmen instead of a 4/5 vote. He also wants clearer and more specific definition of what constitutes policy and what is simply administrative.

Mr. Ford said he believes town residency should be required for all higher salaried positions. He also would like to have the charter require that the Board of Selectmen approve any contract of more than a year duration, and that the selectmen must be informed of all consultant contracts.

Ms. Lorman agreed with the need to change policy on long-term contracts. She said there is a difference between contracts that cost money and those that are intended to raise money.

Mr. Ford said the administrator's span of control is of concern to the selectmen, and that his board is currently addressing that issue. He would like to have the police and fire chiefs report to the selectmen. He said it is often hard for chiefs to get information from the administrator.

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## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

October 20, 2010

Bourne High School Executive Library

Mr. McDowell asked about the issue of mid-term raises given by the administrator, and about the administrator's authority to move money from one budget category to another. There followed extensive discussion between Mr. Ford and Mr. McDowell on personnel and budget issues.

Ms. Conron, who is a former selectman, suggested that many of these issues could be resolved by selectmen setting internal policies and that they should not be addressed in the charter. She noted that interaction between the administrator and selectmen affects everything else in town government.

Ms. Lorman asked for a more user-friendly town website to encourage transparency so citizens can know what the selectmen are doing.

Mr. Ford addressed the issue of the trustees overseeing the community building. He said it is good to have five elected trustees overseeing maintenance of the building. He said a conflict arose with the Friends of the Council of Aging, a volunteer group that raises money for the council, and thinks memoranda of agreements can be worked out between the two groups.

Ms. Lorman asked how the trustees can run the building when they only meet once a month. Mr. Ford responded that day to day operations are under the director and the administrator, and that the trustees are similar to the library trustees.

Mr. Johnson recognized Jim Mulvey who said the dispute was initiated by one trustee who acted on his own but later realized he had overstepped his authority.

Ms. Conron asked about the appropriateness of having the Chairman of the Board of Selectmen being a trustee. Mr. Ford said that is required by state statute, but noted that he may be the only chairman to actually attend the trustees' meetings because he is retired and able to attend their daytime meetings when others are working.

Ms. Lorman asked if the charter should designate that the Board of Selectman is the licensing authority. Mr. Ford said that authority is granted by state statute and not needed in the charter.

Mr. Johnson asked for clarification that Mr. Ford wants the board of selectmen to appoint the police chief and fire chief. Mr. Ford said that is important. He said the charter should specify that the police chief works under M.G.L. 41, Section 97A. Mr. Ford said he absolutely thinks that both the police and fire chiefs should be strong.

Mr. Johnson asked about the idea of a default position giving the selectmen authority to fill vacancies if the administrator doesn't act within a certain time. Mr. Ford said the civil service system works well and should be used.

Mr. Johnson asked about Director of Finance also being Town Accountant. Mr. Ford replied that he does not see a problem with one person holding the two positions, but noted that the finance director needs additional help in the office, and that it would be a good idea to have an assistant who is an accountant.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

October 20, 2010

Bourne High School Executive Library

Mr. Johnson asked about the "indefinite term" appointment of the administrator as now worded in the charter. Mr. Ford said he didn't think it would matter either way, but that the four person dismissal clause effectively gives the administrator an indefinite term.

Mr. Rhatigan asked about having the charter require five votes to appoint the administrator and three to dismiss. Mr. Ford said it should be a simple majority for both, because it is so hard to get five people to agree on anything.

Mr. Johnson noted that the Needham charter requires that selectmen sign all contracts. Mr. Ford said that would be overkill, but that long-term and high-value contracts should be reviewed by the selectmen.

There being no further questions or comments from the committee or the public, Mr. Johnson thanked Mr. Ford for his help and introduced Selectman Don Pickard at 8:14.

Mr. Pickard said he had reviewed the committee's list of issues to be discussed. On the issue of residency, he does not think it is necessary. Regarding the community center trustees, he thinks the current arrangement is okay. On the span of control, he agrees that too many report directly to the administrator.

Mr. Johnson asked about a creating a deputy town administrator position. Mr. Pickard said he thinks the Town Accountant and the Director of Finance should be two persons, with the finance director possibly being the assistant administrator. He said he agrees with Ms. Conron that the selectmen should spell out policies with the administrator, and that he agrees with Mr. Ford on the need for strong police and fire chiefs.

Ms. Lorman asked about appointment of a comprehensive plan committee every five years. Mr. Ewell said that is a requirement of the regional planning agency in order to retain certification of the town plan.

Mr. McDowell asked about the deadline for submitting selectmen's goals. Mr. Pickard said he thinks 45 days is more than adequate.

Mr. Johnson asked about the 30-day suspension clause during removal of an administrator, and asked if the charter should specify who steps in to fill the position as substitute and for how long. This prompted discussion among the committee members with no apparent resolution.

Mr. Pickard summarized that he thinks both fire and police chief positions should be strong in the charter, and that removal and appointment of the administrator should be by simple majority.

There being no further questions or comments from the committee or the public, Mr. Johnson thanked Mr. Pickard for his help and moved discussion to Articles 9 and 11 of the charter.

Mr. Ewell pointed out an apparent conflict between Section 9-1, which says that officials that are recalled shall be placed on the ballot for the special election, and Section 9-7, which says that no person who is recalled shall be elected or appointed to any office for one year after recall.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
October 20, 2010  
Bourne High School Executive Library

Further discussion concluded that the limit on service applies only after the recall election, but the wording is unclear.

Mr. McDowell said that a petition to recall in Billerica must be distributed by precinct. He also said that he sees no need for precinct distribution of members of the charter compliance committee in Article 11.

In response to request for public comment, Mr. Mulvey suggested a charter compliance review process without a committee. He said he does not believe in residency requirements, as he thinks the ability to perform the job is more important than where the employee lives. He said he thinks the finance committee may be overstepping its authority. Regarding the community building he said that when the trustees found that the tenants were raising money in the building they wanted a share of it.

Mr. Johnson asked about the public survey results. Mr. Ewell reported that he had received only 11 responses so far, and that at least two of them appeared to be from the same person. He said that none of the responses included extensive comments, but that two issues that appeared were the desire for a representative town meeting and for more transparency in town government. He said he had received only two responses through the town website. Ms. Conron said she would look into that to see if there were more responses that had not been forwarded.

Documents presented at this meeting:

Mr. Ewell distributed copies of an updated list of issues for future discussion.

Mr. McDowell submitted a draft warrant article on housekeeping changes in the charter.

Ms. Loring distributed copies of a memo on the new open meeting law.

Mr. Mahoney distributed a document on strong and weak police and fire chiefs.

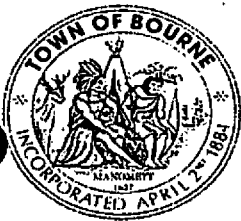
The agenda for the next meeting is to include interviews with two more selectmen, if they are available, and discussion of issues on the committee's list of issues for future discussion.

On a motion by Mr. Rhatigan, seconded by Ms. Lorman, the meeting adjourned at 9:08 PM.

Respectfully submitted,



Wesley Ewell, Clerk



# CHARTER REVIEW COMMITTEE

## MEETING NOTICE

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TOWN CLERK'S OFFICE  
BOURNE, MASS

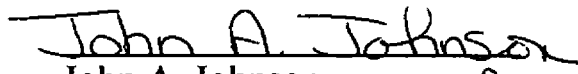
**Date**  
Wednesday  
October 27, 2010

**Time**  
7:00 P.M.

**Location**  
Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

- 1) Call meeting to order
- 2) Approval minutes of October 20, 2010
- 3) Mary Meli and Steve Mealy (Selectmen) to talk about their experience with the Charter, suggestions for improvement and/or changes.  
Questions from Committee members and public
- 4) Discuss Draft-Housekeeping Changes (October 16, 2010)
- 5) Report on results of survey
- 6) Discuss Legal Opinion from Attorney Troy re: Absences of Committee members
- 7) Discuss future witnesses and future agenda
- 8) Adjourn

  
John A. Johnson  
Chairman

Date: October 22, 2010



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TOWN CLERK'S OFFICE  
TOWN CLERK'S OFFICE  
BOURNE, MASS

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
October 27, 2010  
Bourne High School Executive Library

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TOWN CLERK'S OFFICE  
BOURNE, MASS

## Members in Attendance:

Judith W. Conron  
Stephen P. Mahoney  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring  
William F. Rhatigan  
Joyce Lorman

## Others in Attendance:

Stephen Mealy, Selectmen  
Paul Gateley, Bourne Courier  
Jim Mulvey

Mr. Johnson called the meeting to order at 7:00 PM with eight members present. He said that Selectman Mary Meli had to cancel her appearance at this meeting but would attend next week.

Meeting minutes of October 20, 2010 were approved as submitted by unanimous vote on a motion by Mr. McDowell, seconded by Mr. Mahoney. Ms. Loring questioned the reporting of a statement by Mr. Mulvey, but Mr. Mulvey confirmed that he was accurately quoted.

Mr. Johnson introduced Selectman Steve Mealy, who said Mr. Ford had covered the issues pretty well regarding contracts, especially with regard to the landfill. He said he considered submitting his thoughts in writing to the committee. Mr. Mealy said he thinks the selectmen should be made aware of all contracts approved by the administrator. He said several times he has received calls about contracts that the board didn't know anything about, so the selectmen have set a policy that they are to review all major contracts.

Ms. Conron asked if the selectmen should vote on contracts or simply review them. Mr. Mealy responded that they should review and vote on important contracts. He said the current board works well together, but policy needs to be bullet proof in case another board is less cooperative.

Mr. McDowell cited the Needham charter that requires the selectmen to review all contracts, and asked if the selectmen should give the administrator guidelines for negotiation of contracts or if the issue could be covered by a policy statement. Mr. Mealy replied that the selectmen only recently began viewing contracts and noted that any policy statement could be easily changed by a future board.

Ms. Conron cited the Winchester model and asked if its wording on contracts would be appropriate for Bourne. Mr. Mealy replied that he thought the Winchester wording is a good idea. He noted that a selectman's policy can cover anything as long as it does not conflict with the charter or state statute.

Ms. Lorman said the issue comes down to trust, and that common sense is needed. She noted that even a low cost contract, such as the Hydros contract, could have unseen implications to the

## BOURNE CHARTER REVIEW COMMITTEE

### Minutes of the Meeting

October 27, 2010

Bourne High School Executive Library

town. Mr. Mealy said he does not see it as a matter of trust, but of different interpretations of issues. He said a dollar limit is not the best way to define which contracts to review.

Mr. Johnson asked who should have authority to appoint police and fire chiefs and the Director of Finance. Mr. Mealy said he would not support having selectmen be the appointing authority for these positions. He also said he would like to have the school department business manager report to the Director of Finance, noting that Barnstable does that.

Mr. McDowell read a suggestion from the 2007 charter review report, that was not adopted by town meeting, which limited selectmen from serving on other elected boards or paid positions for two years after leaving office. Mr. Mealy said he thinks that would be a bad idea, noting that the last charter review was motivated largely by the actions of a particular board of selectmen.

Ms. Conron said holding two elected positions is another issue. She said the question is do we want to allow a former selectmen to be appointed administrator. Ms. Lorman said such a ban is in other charters and could happen here.

Ms. Conron also asked if the sewer commissioners should be separate from the selectmen. Mr. Mealy said he thinks that would be advantageous to the town. Ms. Lorman added that she thinks the positions should be separate so sewer commissioners would have enough time to focus on a crucial issue that has not gotten the attention it needs. Mr. Mealy said he would support separating the two boards.

Mr. Johnson asked about appointing and removing the administrator. Mr. Mealy said he agrees it should be by simple majority vote, as it is hard to get five people to agree on anything. Ms. Lorman noted that all other issues are decided by simple majority vote. Ms. Conron said she does not want to see a revolving door for the administrator. A lively discussion ensued on this issue.

Mr. Mealy said that he depends on personal interaction with the administrator. He said that in any job it's communications that make the difference, not just policy or charter requirements.

Mr. Johnson asked about having a fallback position that authorizes the selectmen to fill vacancies if the administrator does not act within a reasonable time. This question prompted another lively discussion, with Ms. Lorman asking what we can put into the charter to resolve this problem.

Mr. Mealy said he does not think that it belongs in the charter. He thinks the solution is in place, and warned the committee not to make it too easy for the administrator to push the duty off onto the selectmen. He reiterated that he does not think it a good idea for selectmen to appoint the police and fire chiefs.

Mr. Mulvey offered the opinion that the selectmen should sanction the administrator for his action or lack of action. He also questioned the wording of the charter that appears to allow anybody to award a contract as long as it is approved by the administrator, and noted that a policy statement cannot alter the charter.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

October 27, 2010

Bourne High School Executive Library

Mr. Johnson asked about having the Director of Finance also acting as Town Accountant. Mr. Mealy said he would like to see these positions separated. He said he would like to see the finance director doing a lot more in-depth analysis and not just bean counting. He said he would like the selectmen to get monthly reports from the finance director and school business manager.

Ms. Lorman asked about recall provisions and the policy for replacement if a selectman resigns, or signals an intention to resign after the next election. Other committee members pointed out that this issue is covered in the charter, which says the position remains vacant until either the next regular election or a special election, depending on time remaining in the person's term.

Mr. Rhatigan asked about altering the responsibilities of the finance director. Mr. Mealy said he doesn't see any problem with communication now, but he does think school finances should be brought into more review by selectmen.

On the issue of residency, Mr. Mealy said he does not think senior town officials should be required to live in town, but setting a reasonable radius of nearby communities might be okay. He said the present situation is almost unworkable.

Ms. Conron asked Mr. Mealy to clarify his idea of increasing cooperation between the school business manager and the town finance director. Mr. Mealy responded that this is not a charter issue but only needs agreement between the school board, selectmen and administrator.

Mr. Mulvey asked if the human resources position should be written into charter. Mr. Mealy said he would need to think about that, but noted that do so would avoid having to go to town meeting for authorization to fill the position in the future.

There being no further questions, Mr. Johnson thanked Mr. Mealy for his help and encouraged him to submit his ideas to the committee in writing.

Mr. Ewell reported that only twelve surveys had been returned and gave the committee a summary of all the comments. He said that generally the respondents indicated few problems with the charter. Mr. Rhatigan asked about on line response. Mr. Ewell said he had received only two on-line surveys. Mr. Johnson will check with town hall to see if there are others.

Mr. Johnson read part of a letter from Town Counsel Robert Troy that said it is within the committee's discretion to decide whether a member who misses more than four consecutive meetings should be removed from the committee. He said that Mr. Langille knew he would be away on vacation for an extended period before being appointed to the committee, but that he had been told by Selectman Chair John Ford that his absence would not be a problem. Ms. Lorman felt that the fact that this is an ad hoc committee working within a limited time frame makes it different from a standing committee and more important for members to attend all of the meetings.

Mr. McDowell moved that, since Mr. Langille had done due diligence by speaking with Mr. Ford, that his excuse is acceptable to the committee. Seconded by Ms. Conron. After discussion, the motion passed on a vote with five in favor, two opposed and one abstention.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
October 27, 2010  
Bourne High School Executive Library

After a brief break, Mr. Johnson introduced the draft of housekeeping changes prepared by Mr. McDowell. Mr. McDowell noted a typographical error in Section 9-7. He said the purpose of this article is to have uniformity in the presentation of numbers and gender in the charter. He said it also corrects the incorrect numbering in section 5-6(b), (e) & (f).

Mr. Ewell asked if these changes could be made by a simpler article, but the committee thought it important to print the changes in full to show how it is written now and how it will be changed. Subsequent discussion focused on whether gender references should be changed, and whether such relatively inconsequential changes should be presented to town meeting.

Mr. McDowell moved to accept the draft article of housekeeping changes the purpose of which is to codify and cause to make uniform the use of gender specific and numerical references, and to correct referenced sections of the charter. Seconded by Mr. Rhatigan. Unanimously approved.

Mr. Johnson said the agenda for the next meeting will be an interview with Selectman Mary Meli. He said he will also invite Selectman Jamie Sloniecki and Moderator Robert Parady to appear before the committee.

Ms. Lorman suggested the committee read an article on the town landfill use that appeared in the Bourne Courier today.

Mr. McDowell suggested that the committee should be getting questions to Town Counsel soon on major issues such as including the Human Resources Director in the charter and whether this committee can suggest changing the vote to appoint or remove the administrator.

Documents presented at this meeting:

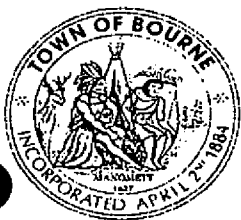
Mr. Ewell distributed copies of an updated list of issues for future discussion and a summary of comments from the public survey.

On a motion by Mr. McDowell, seconded by Ms. Loring, the meeting adjourned at 9:02 PM.

Respectfully submitted,



Wesley Ewell, Clerk



2010 OCT 29 PM 3 21



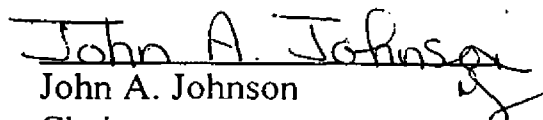
TOWN CLERK'S OFFICE  
**CHARTER REVIEW COMMITTEE**

**MEETING NOTICE**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday November 3, 2010	7:00 P.M.	Bourne High School - Library 75 Waterhouse Road Bourne

**AGENDA**

- 1) Call meeting to order
- 2) Approval minutes of October 27, 2010
- 3) Mary Meli and Jamie Sloniecki (Selectmen) to talk about their experience with the Charter, suggestions for improvement and/or changes.  
Questions from Committee members and public
- 4) Discuss Draft-Housekeeping Changes (October 16, 2010) with changes suggested at meeting of October 20, 2010
- 5) Report on results of survey (written and electronically received)
- 6) Report re: Inquiry into problem caused by typographical error made in legislation approving the Charter and Charter as sent to the legislature.
- 7) Discuss future witnesses and future agenda
- 8) Adjourn

  
John A. Johnson  
Chairman

Date: October 29, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 3, 2010  
Bourne High School Library

## Members in Attendance

Neil F. Langille  
Judith W. Conron  
Malcolm Parker McDowell  
John A. Johnson  
Stephen P. Mahoney  
Wesley Ewell  
Jacqueline M. Loring  
William F. Rhatigan

## Others in Attendance

Mary Meli, Selectman  
James Mulvey

The meeting was moved to the main library room, as the executive meeting room was being used by the school committee.

Mr. Johnson called the meeting to order at 7:04 PM with eight members present.

Minutes of the Meeting of September 27, 2010 were approved by unanimous vote on a motion by Mr. Rhatigan, seconded by Ms. Loring.

Mr. Johnson introduced Selectman Mary Meli. Ms. Meli said her biggest issue is the administrator's span of control. She said she is not sure what the solution is, whether it might be appointing an assistant administrator or putting the finance director in that position. She said the span is too broad and not efficient.

Mr. Johnson asked if this issue should be resolved by a selectman policy or through the charter. Ms. Meli responded that a different administrator might be okay working under a policy, but this one wants to have his hands on everything. She said that, working in a restaurant, she has heard a lot of comments about issues that she should have been privy to but did not know about. In response to other questions, Ms. Meli said the selectmen have not taken any policy actions in this regard. She said she favors a simple majority vote to remove an administrator, and that appointment should not have to be unanimous, as that might force someone to compromise on a principle. She also said that she likes the idea of selectmen making appointments of police and fire chiefs as well as the finance director, adding that both chiefs should be strong.

Ms. Conron noted that the administrator has the authority under the charter to rearrange the organization of departments under him.

Mr. McDowell asked what the difference is between appointed and elected constables. Ms. Meli replied that she doesn't know.

Mr. McDowell also asked about appointment of police and fire chiefs now under civil service, wondering if it would be of benefit to the town to remove them from civil service with the hope of getting a better choice of candidates. Ms. Meli said she agrees personally, but town meeting recently rejected that idea, adding that the selectmen were not unanimous on this issue.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 3, 2010  
Bourne High School Library

Ms. Conron asked about separating the sewer commissioners from the selectmen. Ms. Meli replied that wastewater is the elephant in the room and that it would be useful to have a board dedicated solely to this issue. She said it should be an appointed board, as it is difficult to get people to run for elective positions, and that sewer commission members should have specific qualifications related to the subject.

Mr. Langille asked how the administrator is managing his span of control, whether he has worked with the department heads to establish performance goals, and if there are policies or procedures in place for evaluating their performance. Ms. Meli replied that she hopes the human resources director will set up such procedures. She added that she thinks the administrator's performance should be reviewed every six months instead of annually, but that the interim review does not need to be as extensive.

Mr. Ewell gave Ms. Meli the committee's updated list of issues to consider and asked if she had any to add to the list. Ms. Meli said she would review the list and get back to the committee if she thought of anything else.

Mr. Johnson asked about a residency requirement for the administrator. Ms. Meli said that requiring the administrator to live in town may cause other problems but some sort of radius requirement might be appropriate.

There being no further questions or comments apparent, Mr. Johnson thanked Ms. Meli for appearing before the committee.

Mr. Johnson said that Selectman Jamie Sloniecki has not returned any of his calls. He said Town Moderator Bob Parady could not make this meeting but will come next week if his health allows. Mr. Johnson then suggested the committee summarize the selectmen's comments for discussion.

Mr. Ewell noted that the committee only has about a dozen more meetings and some 55 issues to discuss. He said the committee needs to wind up the interviews soon and start discussing the issues.

Ms. Loring asked if this is a committee or a commission, noting that the funds that were authorized at the town meeting were for use by the charter commission. Mr. Johnson said that Mr. Guerino was still trying to determine if Mr. Ewell could be paid for preparing the minutes. He also said he asked about giving Mr. Groux some sort of honorarium for meeting with the committee and that Mr. Guerino had said Mr. Groux would need to submit an invoice to be paid. There followed a brief discussion of how the appropriated money might be used.

Ms. Conron asked about inviting people from other towns to meet with the committee. The committee thought that inviting an administrator or manager might be useful.

Ms. Loring asked about a review and comparison of the charter with town bylaws. Ms. Conron said to let the bylaw committee deal with that. Mr. McDowell said that some issues may be better addressed by bylaw, and that those issues should be referred to the bylaw committee if they cannot be fixed in the charter. A brief discussion followed on whether there are conflicts with bylaws in the charter. Ms. Conron noted that comparing the charter with the bylaws would involve months of work.



# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 3, 2010  
Bourne High School Library

Discussion turned to the issue of establishing a sewer commission separate from the selectmen. Ms. Conron said now is the time to do it. She said commission members must be appointed because you cannot set qualifications for elected positions. She added that sewers are going to be a big deal and the issue will go on for a long time.

Mr. Rhatigan asked, if we are all in agreement, how detailed do we have to be about qualifications? Mr. Ewell suggested the committee could recommend establishing a sewer commission, that it be an appointed body, and that the selectmen determine what qualifications would be appropriate. Mr. Langille asked about mixed board – part appointed and part elected. Mr. McDowell reminded the committee that it should not be discussing the issue tonight – only putting it on the agenda.

Ms. Conron asked if we can limit the number of issues – take some off the list. There followed extensive discussion of which issues to discuss at the next meeting, beginning with those items that are less likely to be controversial.

Ms. Conron also asked whether the committee should drop the idea of reducing the number of planning board members, noting that it has not been mentioned as a problem by any of the people the committee has interviewed. Mr. Ewell said he had suggested reducing the size of the board, but agreed that it should be dropped. He said that in his long career as a planning consultant he had avoided any work in Bourne because of the planning board's reputation as a difficult board to work with. He said he thought the current board members would loudly protest any move to reduce the size of the board. Ms. Conron asked if we should ask anyone from the planning board or bylaw committee if they want to meet with us.

Mr. Johnson said we should be thinking about the procedure for writing our report and summaries. He suggested that each member of the committee draft wording for each of the items that will go into the report.

Ms. Loring said that if anybody has web addresses for other town charters, they should email them to her and she will put them up on the smart board at the next meeting. That way the committee can easily pull wording from other charters.

Mr. McDowell submitted a revised draft of housekeeping changes that incorporated all changes discussed at the last meeting, as well as other errors. He also reported on his research regarding errors made when the last charter revision was sent to the state for approval. He said he made changes in Section 3-3 based on a careful review of town meeting minutes, the document sent to the state and the final version of the charter. His research found four errors that were introduced into the text that went to the General Court, including the surprising revelation that the town meeting actually approved a 65 day period for the selectmen to prepare their goals statement; not the 45 days that was published. Mr. McDowell said he thought the proper wording should not only be restored to the record in the housekeeping article, but it should also be reaffirmed by town meeting in a separate article. Discussion followed on whether the time limit should now be rolled back to 45 days, since that seems to be adequate.

Ms. Conron asked if the committee report will include draft articles for the warrant. Mr. Johnson said the report will be draft articles with an introductory paragraph. Discussion followed, noting that the Bourne charter does not include a date of

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 3, 2010  
Bourne High School Library

adoption. Mr. Ewell suggesting adding a provision to the housekeeping article to put a cover page on the charter.

Mr. Ewell said he has not received any additional survey responses. Mr. Johnson said he still hasn't talked with the tech person at town hall about on-line responses.

Mr. Mulvey observed that the committee's strict interpretation of the new open meeting law seems to be restricting its ability to do its work.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the October 27 meeting and an updated list of issues for future discussion.

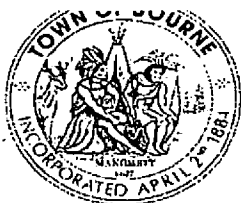
Mr. McDowell submitted a copy of his revision of the housekeeping article, along with a summary of his research into the mistaken wording of Article 3-3.

On a motion by Ms. Conron, seconded by Mr. Mahoney, the meeting adjourned at 8:45 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W Ewell', written in a cursive style.

Wesley Ewell, Clerk



2010 NOV 5 AM 3 40



## CHARTER REVIEW COMMITTEE

BOURNE, MASS.

### MEETING NOTICE

**Date**

Wednesday  
November 10, 2010

**Time**

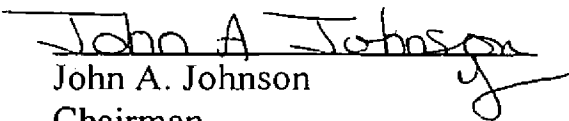
7:00 P.M.

**Location**

Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

- 1) Call meeting to order
- 2) Approval minutes of November 3, 2010
- 3) Robert Parady and possibly Jamie Sloniecki (Selectmen) to talk about their experience with the Charter, suggestions for improvement and/or changes.  
Questions from Committee members and public
- 4) Discuss the following numbered issues from "Issues Flagged For Future Discussion as of October 27"  
Numbers, 1,3,7,8,9,13,18,29,35,42,51,52 and 53
- 5) Discussion of preparing a draft of and possible changes to various sections of the Charter. (Section or sections to be determined at the time of the meeting, as a result of discussion of #4 above)
- 6) Discuss public meeting and need for second survey
- 7) Discuss stock invitation format to department heads, town employees, elected officials, committees, and others
- 8) Report on results of survey. Report on problems with electronic responses to survey.
- 9) Discuss future agenda
- 10) Adjourn

  
John A. Johnson  
Chairman

Date: November 5, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 10, 2010  
Bourne High School Executive Library

2010 NOV 30 PM 3 02

TOWN CLERK'S OFFICE

NOV 30 2010

## Members in Attendance

William F. Rhatigan  
Judith W. Conron  
Stephen P. Mahoney  
Neil F. Langille  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Jacqueline M. Loring

## Others in Attendance

Robert Parady, Moderator  
James Mulvey (arrived at 7:13)

Mr. Johnson called the meeting to order at 7:00 PM with eight members present.

Minutes of the Meeting of November 3, 2010 were approved by unanimous vote on a motion by Mr. Langille, seconded by Ms. Conron.

Mr. Johnson introduced Town Moderator Robert Parady and asked about the Charter Compliance Committee. Mr. Parady said when he returned from college in 1969 there was a vicious charter fight going on in Bourne and it was defeated by 38 votes at the election. He said that two articles were then sent to the state legislature: one for five part-time selectmen and an administrator; the other for representative town meeting, but town election soundly defeated both.

Mr. Parady said Jerry Cahir laid the groundwork for how to function as a full-time selectman. He said at that time there were only ten towns in the state with full-time selectmen, all of them on the Cape.

Mr. Parady said when he became a selectman he began gradually working to eliminate obscure elected positions such as tree warden and highway commissioner. He said he later served on the 2000 Charter Commission where he advocated a full-time board of selectmen.

Mr. Parady said the Charter Compliance Committee has met only twice, both times just to organize. He said they have never received a complaint, and it is not their job to look for trouble. He said the issue of open town meeting was the first order of business of the first Charter Commission and was very quickly defeated unanimously.

Mr. Ewell asked about the deterrent effect of a compliance committee, and whether we should keep the committee in place. Mr. Parady responded that he did not know about the deterrent effect, but that keeping the committee costs the town nothing and does no harm.

Ms. Conron asked about appointing compliance committee members by precinct. Mr. Parady said it is difficult to get people to serve on any committee, and putting more constraints on appointments only makes it worse. He said there is no concept in requiring participation by precinct.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 10, 2010  
Bourne High School Executive Library

Mr. Rhatigan asked about participation in town meeting and on committees. Mr. Parady said participation is definitely worse in sheer numbers than it once was because people are busier today and working harder, struggling to pay bills, so public service is at the bottom of most people's list.

Ms. Conron asked about a residency requirement for the town administrator. Mr. Parady said he has not given it a lot of thought, but noted that elected officials must be a part of the community, and it is difficult for a professional to not be a part of the community too. He said he likes the idea of the selectmen having discretionary authority to require town residency.

Mr. Johnson asked about appointment of police and fire chiefs, and the finance director. Mr. Parady said he thinks that the selectmen should appoint all three.

Mr. McDowell asked about constables. Mr. Parady said there are nine, but he does not know the difference between elected and appointed constables. He said his understanding is they are all the same.

Mr. Johnson asked about having sewer commissioners separate from the selectmen. Mr. Parady said he is not sure if there is a statutory framework for appointing a sewer committee or commission. He said the selectmen once were also welfare commissioners until the state took over welfare. He said when they put sewers in Buzzards Bay they had to have a board of sewer commissioners, so the selectmen took on the job. He said they had a lot of work in the beginning, setting rates, getting the system built, dealing with contracts, etc., but the work later diminished to about 5% of their time.

Mr. Johnson asked who should sign contracts and whether the human resources position should be in the charter? Mr. Parady said that gets back to who is the appointing authority, and it should sign contracts. Regarding the HR position, he said to leave it alone.

There being no further questions or comments, Mr. Johnson thanked Mr. Parady for his appearance before the committee and moved on to other business at 8:42 PM.

Discussion opened on the need for a public meeting. Mr. McDowell cited the need to reach out to the public even if nobody shows up, once we have most issues hashed out. Ms. Conron said there are two kinds of public meeting: to ask input or to try out suggestions for response. Consensus reached that a public meeting should be held after the committee publishes a draft report for comment and before the articles are submitted for town meeting. Mr. Johnson suggested holding it at the end of January.

Mr. Johnson handed out a draft invitation letter to be sent to town committees and department heads. Mr. McDowell suggested including an email address for responses. Mr. Langille moved to send the letter out to committee chairs, department heads and elected boards after emending an obvious error in the first paragraph. Seconded by Mr. McDowell and unanimously approved.

Mr. Ewell reported that he had not received any more survey responses. Mr. Johnson said he had spoken with Cheryl Campbell, who administers the town web site. Ms. Campbell said email responses should be going directly to Ms. Conron. She said she is unaware of any problems with the system, but will check into it.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

November 10, 2010

Bourne High School Executive Library

Mr. Johnson reported that Selectman Jamie Sloniecki called him back and said he has a commitment every Wednesday, so could not attend a committee meeting, but promised to send an email with his ideas.

Discussion turned to the list of issues flagged for future discussion.

On No. 1: Section 1-3 vests administration in an executive branch headed by a Board of Selectmen and Town Administrator. This puts the administrator on the same level as the selectmen, which conflicts with other provisions of Sections 3 and 4. After discussion, Mr. McDowell moved to strike the words "and Town Administrator" from this paragraph. Motion seconded by Ms. Conron and unanimously approved.

On No. 3: Section 3-3 sets a 45 day deadline for the selectmen to submit their goals and objectives. Research by Mr. McDowell found that Town Meeting approved an amendment to set this deadline at 65 days, but the amendment was not forwarded to the state for approval. Ms. Conron, a former selectman, said that the selectmen have been meeting the 45 day deadline for three years without problems. After discussion, Mr. McDowell moved to change the time limit for setting goals from 65 days to 45 days. Motion seconded by Ms. Conron and unanimously approved.

Mr. Mulvey brought up additional issues in Section 3-6. He was informed by the chair that the committee is only considering issues previously flagged at this time and is not addressing them in the order that they appear in the charter.

On No. 7: Section 3-8 appears to conflict with the recently revised state open meeting law. After discussion, Mr. Johnson asked Mr. Langille to draft new wording for this paragraph.

On No. 8: Regarding residency requirements, number of votes needed for appointment and discharge of the town administrator, and indefinite term issues in Section 4-1, Mr. McDowell read a portion of M.G.L. Chapter 43B, Section 10, which appears to require action by a charter commission to change the number of votes and term definition. After discussion, the committee agreed that clarification of its authority on these issues is needed from Town Counsel. Mr. Johnson will ask the town administrator to rule on this question. Mr. Rhatigan will draft a paragraph on residency requirement that sets a boundary for residency but is not limited to the Town of Bourne.

On No. 13: Regarding the question of whether applicants for the town administrator position must have experience in Massachusetts, the consensus was quickly reached not to require this. Ms. Conron moved to eliminate this issue from further consideration. Seconded by Mr. McDowell and unanimously approved.

On No. 18: Regarding the question of the town administrator's span of control. The committee felt that this issue was the responsibility of the Board of Selectmen and was not appropriate in the charter. Ms. Conron moved to eliminate this issue from further consideration. Seconded by Mr. Mahoney and unanimously approved.

On No. 53: Regarding establishment of a board of sewer commissioners separate from the Board of Selectmen, Ms. Conron will research how other towns have done this and draft wording for an article.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 10, 2010  
Bourne High School Executive Library

Mr. McDowell noted a problem with Section 2-5(3)(3) regarding petitions for town meeting warrant articles by registered voters. He will draft language to replace it.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the November 3, 2010 meeting.

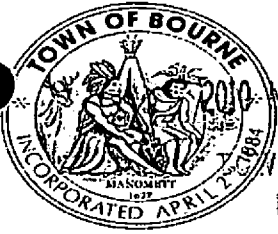
Mr. Johnson distributed copies of a draft letter to be sent to department heads and committee chairs.

On a motion by Mr. McDowell, seconded by Ms. Conron, the meeting adjourned at 9:07 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W Ewell', written over a horizontal line.

Wesley Ewell, Clerk



## CHARTER REVIEW COMMITTEE

NOV 15 AM 9 15

TOWN CLERK'S OFFICE  
MEETING NOTICE  
BOURNE MASS



Date

Wednesday  
November 17, 2010

Time

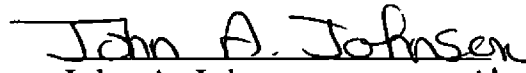
7:00 P.M.

Location

Bourne High School - Library  
75 Waterhouse Road  
Bourne

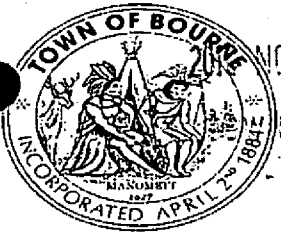
### AGENDA

1. Call meeting to order.
2. Approve minutes of November 11, 2010
3. Review and discuss E-mail from Selectman Slonecki
4. Discuss the following numbered issues from "Issues Flagged For Future Discussion as of October 27".  
Numbers, 1, 3, 7, 8, 9, 13, 18, 29, 35, 42, 51, 52, and 53 (continuing)
5. Discussion of drafts of and possible changes to various sections of the Charter.
6. Discuss invitation to department heads, town employees, elected officials, committees, and others.
7. Report on results of survey. Report on problems with electronic responses to survey.
8. Discuss future agenda
9. Adjourn.

  
John A. Johnson  
Chairman

Date: November 15, 2010





## CHARTER REVIEW COMMITTEE

CLERK'S OFFICE

### MEETING NOTICE



Date

Wednesday  
November 17, 2010

Time

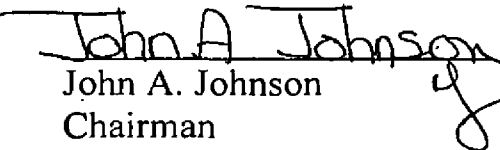
7:00 P.M.

Location

Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

1. Call meeting to order.
2. Approve minutes of previous meeting.
3. Review and discuss E-mail from Selectman Slonecki
4. Discuss the following numbered issues from "Issues Flagged For Future Discussion as of October 27" .  
Numbers, 1, 3, 7, 8, 9, 13, 18, 29, 35, 42, 51, 52, and 53 (continuing)
5. Discussion of drafts of and possible changes to various sections of the Charter.
6. Discuss invitation to department heads, town employees, elected officials, committees, and others.
7. Report on results of survey. Report on problems with electronic responses to survey.
8. Discuss future agenda
9. Adjourn.

  
John A. Johnson  
Chairman

Date: November 15, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
November 17, 2010  
Bourne High School Executive Library

2010 DEC 6 AM 10 21

TOWN CLERK'S OFFICE

## Members in Attendance

Neil F. Langille  
Judith W. Conron  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
Stephen P. Mahoney  
Joyce Lorman  
William F. Rhatigan

## Others in Attendance

James Mulvey

Mr. Johnson called the meeting to order at 7:00 PM with eight members present. He said that Ms. Loring had notified him that she will be out of state because of an illness in the family and will miss three meetings.

Minutes of the Meeting of November 10, 2010 were approved by seven votes in favor on a motion by Ms. Conron, seconded by Mr. Langille. Ms. Lorman abstained, as she did not attend that meeting.

Mr. Johnson announced that Selectman Jamie Sloniecki had not yet sent the email that he promised with his ideas and comments.

Discussion opened on Mr. Langille's draft amendment to Section 3-8, Rules of Procedure. He said he attempted to better define an emergency situation that would allow a meeting without posting an agenda. He also added a requirement for using the town website for public notice and posting of draft minutes as well as approved minutes. Extensive discussion ensued for more than an hour on whether this draft goes beyond what the open meeting law requires, and whether it should apply to other town boards and committees in addition to the selectmen.

Ms. Conron moved to add only the wording "Rules and procedures of the Board of Selectmen shall be consistent with Massachusetts Open Meeting Law M.G.L. Chapter 30A, Sections 18-25. In addition, agendas and minutes for the Board of selectmen shall be posted on the town web site." Motion seconded by Ms. Lorman, and approved on a vote of seven in favor; one opposed.

Discussion then turned to Mr. Rhatigan's suggestions for addressing the issue of a residency requirement for the town administrator. Extensive discussion ensued on the benefits and need for residency in the town or region.

Mr. McDowell moved to see if the committee wanted to require town residency for the town administrator. There being no second, the Chair declared the motion failed.

Ms. Conron moved to table action on this issue until the next meeting. Mr. Rhatigan seconded the motion and it was unanimously approved on a voice vote. Mr. Rhatigan will revise draft wording for discussion at the next meeting.

On the issue of establishing a sewer commission separate from the selectmen, Ms. Conron reported on her research of M.G.L. Chapter 40N Section 4. A brief discussion

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

November 17, 2010

Bourne High School Executive Library

ensued on whether the town should create a formal Sewer Commission or appoint an advisory committee to the selectmen. Consensus was reached that the role of sewer oversight should be separated from the Board of Selectmen, as this subject will soon require a great deal of attention that would distract the selectmen from their other responsibilities.

Mr. McDowell said there is a specific section of Chapter 40N governing creation of a sewer commission. He and Ms. Conron will research the matter further for discussion at the next meeting.

Mr. Johnson asked all of the committee members to review the charter and draft wording of potential changes. He reported that he has not heard yet from Town Counsel Troy about limits on the committee's authority, and that he also asked Mr. Troy about appointment of a sewer commission.

Mr. Mulvey emphasized the importance of policy in the charter and asked for better definition of the word.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the November 10, 2010 meeting and an updated version of the list of issues for further discussion.

Mr. Langille distributed copies of a proposed revision to Section 3-8, Rules of Procedure.

Mr. Rhatigan distributed copies of a proposed revision to Section 4-1, and an analysis of residency requirement issues.

Mr. McDowell submitted copies of draft amendment to section 2-5, regarding initiation of warrant articles.

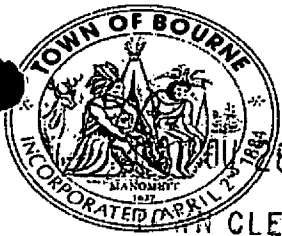
There will be no meeting on November 24, as that is the evening before Thanksgiving.

On a motion by Ms. Conron, seconded by Mr. McDowell, the meeting adjourned at 9:06 PM.

Respectfully submitted,

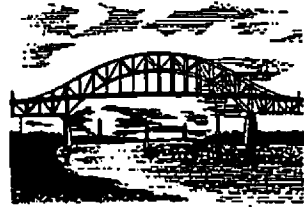


Wesley Ewell, Clerk



## CHARTER REVIEW COMMITTEE

### MEETING NOTICE



TOWN CLERK'S OFFICE  
BOURNE, MASSACHUSETTS

Date

Wednesday  
December 1, 2010

Time

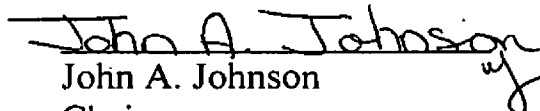
7:00 P.M.

Location

Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

1. Call meeting to order.
2. Approve minutes of November 17, 2010
3. Discuss of all issues Flagged for future discussion
4. Discussion of drafts of, and possible changes to various sections of the Charter.
5. Report on letter to Department Heads and others
6. Discuss future agenda
7. Adjourn.

  
John A. Johnson  
Chairman

Date: November 26, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
December 1, 2010  
Bourne High School Executive Library

2010 DEC 9 PM 4 18  
TOWN CLERK'S OFFICE

## Members in Attendance

Stephen P. Mahoney  
Neil F. Langille  
Judith W. Conron  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
William F. Rhatigan  
Joyce Lorman

## Also in attendance

Diana Barth, Bourne Enterprise (arrived at 7:10)  
Jim Mulvey (arrived at 7:30)

Mr. Johnson called the meeting to order at 7:00 PM with eight members present. He announced that Charles Miller had died and asked for a moment of silence in remembrance of Charlie and his valuable service to the town.

Minutes of the Meeting of November 17, 2010 were unanimously approved on a motion by Mr. Rhatigan, seconded by Mr. McDowell.

Mr. Johnson said that Selectman Jamie Sloniecki had still not sent the email that he promised with his ideas and comments, nor has he returned phone calls.

Discussion opened on revision of Section 2-5, regarding initiation of warrant articles. Mr. McDowell presented draft wording that he had previously distributed to committee members by email. He explained the purpose of his draft is to clarify the requirements of the state law, especially the difference in petition requirements between regular and special town meetings. After discussion that added the words "before the warrant closes" to the first sentence, Mr. McDowell's draft, with the revision, was unanimously approved on a motion by Mr. Rhatigan, seconded by Mr. Langille.

Discussion then turned to the sewer commission issue. Ms. Conron submitted a draft amendment to Section 3-1, regarding composition and term of office of the Board of Selectmen. After discussion, the consensus of the committee was to support the following wording for a new second sentence: "The Board of Selectmen shall also serve as Sewer Commissioners until such time as they appoint a five-member Board of Sewer Commissioners, in accordance with M.G.L. Chapter 40N, which they must do no later than May 31, 2012." The third sentence was not discussed and no vote was taken. Ms. Conron will bring copies of Chapter 40N to the next meeting for further discussion.

Ms. Conron also submitted a proposed revision of Section 8-6, regarding procedures for multiple member bodies. The committee quickly agreed to adding the following wording to Paragraph 8-6(c): "Minutes of all multiple member bodies shall also be permanently posted on the Town of Bourne web site." Discussion followed on whether other elected boards should have their meetings televised or streamed on the town web site. No decision was reached, and Ms. Conron will revise the proposal for discussion at the next meeting.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
December 1, 2010  
Bourne High School Executive Library

Mr. Rhatigan presented discussion points and a summary of his research regarding residency requirements for the Town Administrator, and a draft revision to Section 4-1, regarding the administrator's appointment, qualifications and term. After discussion, the committee voted to add the following wording at the end of the third paragraph: "The Town Administrator need not be a resident of Bourne when appointed but shall establish a legal residence in Barnstable, Bristol or Plymouth County within one year of the date of appointment. The Board of Selectmen may extend the time for establishing residence, or waive this requirement in its entirety." On a motion by Mr. Ewell, seconded by Ms. Lorman, the amendment was approved by a vote of seven in favor, one opposed.

Mr. Mahoney presented draft articles that would revise Sections 3-5, 4-6, 5-7 and 5-8, having the police and fire chiefs appointed by and reporting directly to the Board of Selectmen. He said the intent is to give the two chiefs total control of their respective departments, and to put them at the same level as the Town Administrator, removing them from his jurisdiction. Discussion found general agreement within the committee for these changes, except that no change is needed in Section 4-6. Mr. Ewell suggested removing references to "strong" chiefs, as this term is colloquial and therefore not appropriate language for the charter. A question arose on how to deal with dismissal of the chiefs. Mr. Mahoney will revise his drafts for discussion at the next meeting.

Ms. Lorman asked if there had been any response to the Chairman's letter inviting department heads to meet with the committee. She said that the planning board and the housing authority want to speak to the committee, but had not seen the invitation. Mr. Johnson said he had not heard from any of the department heads.

Mr. Johnson asked the members to review wording of Section 3-3 and think about whether the word "broad," as applied to policies, should be replaced or dropped.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the November 17, 2010 meeting.

Mr. Mahoney distributed discussion drafts of changes to Section 3-5, 4-6, 5-7 and 5-8, regarding appointment and responsibilities of police and fire chiefs.

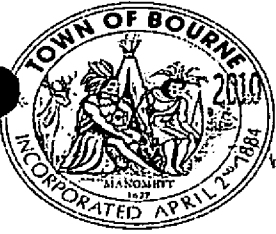
Mr. Rhatigan distributed a research summary and a discussion draft of changes to Section 4-1, regarding residency requirement for the administrator.

Ms. Conron distributed discussion drafts of changes to Section 3-1, proposing appointment of a Board of Sewer Commissioners separate from the selectmen, and Section 8-6, regarding procedures for multiple-member bodies.

Mr. McDowell distributed two documents: revision of Section 3-3, regarding the deadline for submission of the selectmen's policies and goals, and revision of Section 1-3, clarifying the division of powers between the Board of Selectmen and the Town Administrator.

On a motion by Mr. Mahoney, seconded by Ms. Conron, the meeting adjourned at 8:55 PM.

Respectfully submitted, Wesley Ewell, Clerk



## CHARTER REVIEW COMMITTEE

### MEETING NOTICE



Date

Wednesday  
December 8, 2010

Time

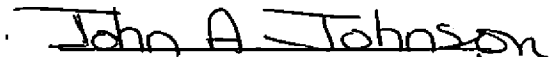
7:00 P.M.

Location

Bourne High School - Library  
75 Waterhouse Road  
Bourne

### AGENDA

1. Call meeting to order.
2. Approve minutes of December 1, 2010
3. Discuss of all issues that relate to appointment and removal of Fire Chief and Chief of Police and related sections of the Charter
4. Discussion of drafts of, and possible changes to Charter as it relates to Selectmen as Sewer Commissioners and MGL C. 40 N
5. Report on letter to Department Heads and others
6. Discuss future agenda
7. Adjourn.

  
John A. Johnson  
Chairman

Date: December 3, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting  
December 8, 2010  
Bourne High School Executive Library

2010 DEC 20 AM 9 57

TOWN CLERK'S OFFICE -  
0000000000

## Members in Attendance

Stephen P. Mahoney  
Neil F. Langille (arrived at 7:19)  
Judith W. Conron  
Malcolm Parker McDowell  
John A. Johnson  
Wesley Ewell  
William F. Rhatigan  
Joyce Lorman

## Also in attendance

Diana Barth, Bourne Enterprise  
Jim Mulvey  
Thomas Guerino, Town Administrator

Mr. Johnson called the meeting to order at 7:05 PM with seven members present. Mr. Langille arrived later. Ms. Loring remains out of state on family business.

Minutes of the Meeting of December 1, 2010 were unanimously approved on a motion by Ms. Conron, seconded by Mr. Rhatigan.

Mr. Johnson presented a new memo from Town Counsel Robert Troy that addressed questions the committee had raised regarding its authority to propose changes in the charter. He said that Mr. Troy admitted it was his error that delayed delivery of this memo to the committee. He said Mr. Troy agreed to meet with the committee again but was only available next Tuesday, December 14, and asked if members would be willing to meet on Tuesday instead of Wednesday. All members present agreed to this.

Mr. Johnson then recognized Town Administrator Tom Guerino and asked if he wished to address the committee. Mr. Guerino responded that he was just visiting, as he had another meeting at 9:00 and decided to attend this meeting while waiting for that one.

Ms. Lorman asked Mr. Guerino about the committee's earlier request for payment to Mr. Ewell for taking the minutes instead of paying a secretary. Mr. Guerino responded that he was looking for a way to do this without setting a precedent for other committees that did not have secretarial help.

Returning to Mr. Troy's memo, Mr. Johnson said it clarifies that requesting a change in the vote to appoint or dismiss the Town Administrator is beyond the authority of the committee, and can only be done by an elected Charter Commission. Ms. Lorman asked for a list of what this committee specifically can and cannot do.

Mr. McDowell suggested the committee vote on two items that are beyond its authority and include the votes and the rationale behind them in its report, so subsequent committees will know why this committee didn't act and to explain to town meeting. The two items are the vote required to appoint and dismiss the Town Administrator and the issue of the administrator serving an indefinite term.

Mr. McDowell then moved to dismiss from consideration Items 8 and 10 on the list of Issues Flagged for Future Discussion as of November 10, 2010, related to the number of votes to appoint or dismiss the Town Administrator and the length of term, with the



# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

December 8, 2010

Bourne High School Executive Library

exception of residency requirements, due to the opinion from Town Counsel stated in his memos dated November 22, 2010 and September 26, 2005, and that the rationale for this vote be included in the committee's report. Seconded by Mr. Rhatigan.

Approved by voice vote of six in favor, one opposed.

Discussion turned to the second opinion in Mr. Troy's memo, regarding establishment of a Sewer Commission separate from the Board of Selectmen. Mr. Johnson said this is also beyond the committee's authority, but asked if the committee can propose it to town meeting. Mr. Guerino responded that the committee members could submit a petition as individuals but not as a Charter Review Committee.

Mr. McDowell suggested inserting the wording "The Board of Selectmen shall serve as sewer commissioners unless town meeting adopts appropriate portions of M.G.L. Chapter 40N establishing a separate Sewer Commission." The committee took no action on this suggestion, opting to table it until after meeting with Mr. Troy next week.

Discussion turned to the third opinion in Mr. Troy's memo, regarding the open meeting law. Mr. Johnson suggested tabling this issue also until after the meeting with Mr. Troy. In response to discussion about requiring that meetings of elected boards be televised, Mr. Guerino said that Comcast will no longer employ a person to do this when its contract expires, but a non-profit organization will be set up, partially funded by Comcast for a year or two, so community television service will continue.

Ms. Conron presented a revised draft of a proposed article to add to Section 8-6(c) the words "Minutes of all multiple member bodies shall also be permanently posted on the Town of Bourne web site," and to add a new Paragraph (d) reading "The meetings of the Board of Selectmen, School Committee, Board of Health and Planning Board shall, if possible, be televised or streamed on the town web site. Technical difficulties shall not cause the meetings to be postponed." Mr. Langille moved to adopt this proposal. Mr. Mahoney seconded and it passed by unanimous voice vote.

Mr. Mahoney presented wording of draft articles regarding appointment and removal of fire and police chiefs. Extensive discussion followed, including review of wording in other town charters, consideration of potential complications with budgeting, collective bargaining and insurance, the pros and cons of having the chiefs report to the selectmen or the administrator, and the difference between reporting to and being administered by either authority.

The committee determined that there are actually three basic issues to be decided: (1) should the chiefs have "strong" positions with sole authority to appoint and dismiss personnel; who should have the authority to appoint and dismiss the chiefs; and (3) who should the chiefs report to?

Ms. Lorman moved that the committee vote in favor of recommending that both Police Chief and Fire Chief have "strong" positions, as specified by M.G.L. Chapter 41, Section 97A and Chapter 48, Section 42. The motion was seconded by Mr. Rhatigan and unanimously approved on a voice vote.

Mr. Rhatigan moved that the Board of Selectmen appoint and remove Police and Fire Chiefs. Seconded by Mr. McDowell and unanimously approved on a voice vote.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

December 8, 2010

Bourne High School Executive Library

The committee did not vote on the third issue of who the chiefs report to or are administered by, noting that it needs to do further research into this issue.

The next committee meeting will be next Tuesday, December 14<sup>th</sup>, at a place to be determined.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the December 1, 2010 meeting.

Ms. Conron distributed copies of M.G.L. Chapter 40N.

Mr. Johnson distributed copies of a Memo from Town Counsel regarding the committee's authority.

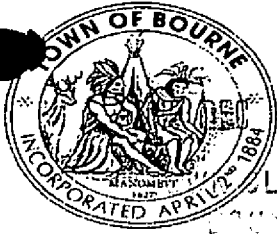
Mr. Mahoney distributed revised proposed wording regarding appointment and administration of Police and Fire chiefs.

On a motion by Ms. Lorman, seconded by Mr. Rhatigan, the meeting adjourned at 8:51PM.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W Ewell', written in a cursive style.

Wesley Ewell, Clerk



## CHARTER REVIEW COMMITTEE

9 AM 11 54

### MEETING NOTICE

CLERK'S OFFICE



Date

Tuesday  
December 14, 2010

Time

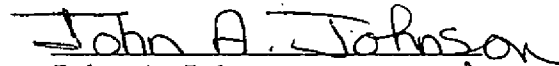
7:00 P.M.

Location

Bourne High School – small Library  
75 Waterhouse Road  
Bourne

### AGENDA

1. Call meeting to order
2. Approve minutes of December 8, 2010
3. Discussion with Attorney Robert Troy with regard to legal issues concerning the authority of the committee, those changes that can or cannot be made, the relationship between the selectmen and the Town Administrator and language issues as they relate to the Charter.
4. Report on letter to Department Heads and others
5. Discuss future agenda
6. Adjourn.

  
John A. Johnson  
Chairman

Date: December 9, 2010

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

December 14, 2010

Bourne High School Executive Library

2011 JAN 7 AM 10 38

## Members in Attendance

Stephen P. Mahoney

Judith W. Conron

Malcolm Parker McDowell

John A. Johnson

Wesley Ewell

Joyce Lorman

TOWN CLERK'S OFFICE

## Also in attendance

Robert Troy, Town Counsel (arrived at 7:20)

Mr. Johnson called the meeting to order at 7:07 PM with six members present. Mr. Langille had a schedule conflict, Mr. Rhatigan had a family emergency, and Ms. Loring remains out of state on family business.

Minutes of the Meeting of December 8, 2010 were unanimously approved on a motion by Mr. McDowell, seconded by Mr. Mahoney.

Meeting with Town Counsel Robert Troy was the primary item on the agenda, but Mr. Troy was not present at the opening of the meeting, so Mr. Johnson distributed draft wording for the Fire Chief position. Discussion on the draft ended without action when Mr. Troy arrived at 7:20 PM.

Mr. Troy said he had been delayed in an executive session with the Board of Selectmen regarding appointment of the next Chief of Police. He said he had to explain to the selectmen their rights and duties under the charter provisions, which he thought was apropos to tonight's meeting.

Responding to a comment about the civil service process, Mr. Troy said the Massachusetts Municipal Association has filed a petition to abolish the Civil Service Commission because it is loaded with political appointments.

Mr. Johnson asked about the issue of changing the number of votes required to appoint and dismiss the town administrator. Mr. Troy said this can be done through the charter process or a special act of the legislature. He said it requires a warrant article. After Town Meeting approves the article, it is sent to the legislature, which usually requires a vote of the entire town electorate to ratify the change. He said the original Charter Commission felt strongly that four votes should be required.

Mr. Troy said the Charter Review Committee can propose articles asking Town Meeting to submit requests to the legislature for major changes. He said a Charter Commission is needed only to change the form of government. He confirmed that the committee could recommend to town meeting that the number of votes to appoint or dismiss the administrator be changed, provided the legislature affirms the town meeting vote. He noted that the changes proposed by the last charter committee were approved by the legislature without requiring a ballot vote.

Mr. Johnson asked what document controls until changes are approved by legislature. Mr. Troy replied that the previously adopted charter controls until final approval of the changes by the legislature and (if required) by vote of the town electorate.

## BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

December 14, 2010

Bourne High School Executive Library

Mr. McDowell asked about Section 10-1, regarding conflicts between the charter and Massachusetts General Law. Mr. Troy said the legislature gives broad authority to communities under home rule, even if local initiatives conflict with state law. He said state law has always given generous authority to selectmen.

Mr. Troy said he thought the charter needed to be amended to allow the administrator to negotiate an employment contract with the proposed Human Resources Director. He also said he thinks all town personnel should be under a town personnel policy and not under unions.

Ms. Conron asked if a residency requirement would automatically apply to the existing administrator. Mr. Troy replied that it would depend on the wording. He said if the requirement is triggered by the act of appointment, it would not apply to someone who is already appointed. He warned, however, that if it is not worded this way, that it would apply to the current administrator.

Ms. Conron also asked about using the term "legal residence." Mr. Troy said to leave out "legal" as it brings in other problems related to "domicile," and becomes difficult to prove or enforce. He said it also goes beyond the scope of the purpose of having the person located nearby. He added that where a waiver is allowed it is always used.

Ms. Lorman asked about defining strong or weak fire and police chiefs. Mr. Troy said in Bourne both chiefs are weak. In response to a comment about Chief Baldwin's contract, Mr. Troy said the charter cannot be overruled by an employment contract. He noted that Bourne has four fire departments under a single chief. He said this makes management very difficult and that the firefighters have very litigious unions.

In response to a question regarding contracts and who has the right to sign them, Mr. Troy said the administrator should be signing all contracts, not the selectmen. He added that the selectmen could ask to be kept informed of what contracts are signed. He said that Bourne has a good system now, where the administrator, the accountant and Town Counsel all sign off on contracts.

Mr. Johnson asked about the "indefinite term" for the town administrator as now defined in the charter, and whether the administrator might be discouraged by the imposition of unfavorable contract provisions. Mr. Troy said that the administrator's contract requires only a simple majority. He said the selectmen could refuse to pay the administrator after the contract expired, effectively creating an unpaid position for life.

Mr. Troy added that the Human Resources Director is not entitled to an employment contract. He said everyone seems to want a contract now but only positions specified in the charter should have contracts. He said that he thinks a Department of Human Resources should be included in the charter, and that the charter should also provide for the Human Resources Director to have an employment contract.

Regarding the question of how frequently the charter should be reviewed, Mr. Troy said he disagrees with Tom Groux that charter review should be less frequent than five years, noting that the process of review actually takes about three years by the time it gets through approval by the legislature and final town vote.

# BOURNE CHARTER REVIEW COMMITTEE

Minutes of the Meeting

December 14, 2010

Bourne High School Executive Library

Mr. McDowell asked how the charter should be worded regarding the administrator's authority to approve employment contracts. Mr. Troy said the administrator could have authority under the charter to enter into contract with any position authorized by town meeting.

Ms. Lorman asked if there are any other issues that the committee should consider. Mr. Troy replied that the public safety sector needs to be organized, with good strong leaders as chiefs. He said the unions create a lot of litigation, costs and delay.

Mr. Johnson asked about the Salary Administration Plan referenced in the charter. Mr. Troy replied that the idea was that town employees work under a plan administered by a personnel board, but that idea had been abandoned when the employees were allowed to unionize. He said all disputes now go to arbitration, which costs the town a lot of money to pay for arbitrators and lawyers. He added that the charter cannot solve the problem, but that it needs to empower the administrator with more authority. He said only the employees can vote to decertify themselves from the unions.

With no further questions or comments apparent, Mr. Johnson thanked Mr. Troy for his participation at 8:51.

The committee agreed by consensus that it will not meet the next two weeks because of the holidays. The next meeting will be on January 5, 2011. Mr. Johnson said he will invite Town Clerk Barry Johnson and Mary Jane Mastrangelo to attend that meeting. Mr. McDowell suggested including discussion of all issues flagged for future discussion on the agenda for that meeting.

On the question of whether the committee should hear from fire chiefs of other towns, the consensus was that such testimony was not needed, as there appears to be no disagreement on the issue.

On a motion by Mr. McDowell, seconded by Ms. Lorman, the meeting adjourned at 9:02 PM.

Documents presented at this meeting:

Mr. Ewell distributed copies of the minutes of the December 8, 2010 meeting, and an updated List of Issues to be Discussed.

Mr. Johnson distributed copies of draft wording for the Fire Chief position.

Respectfully submitted,



Wesley Ewell, Clerk