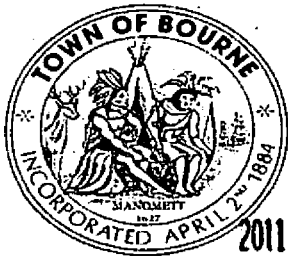


2012 Meeting Notices

Selectmen

**Selectmen's Task Force on Local Pollution &
Stormwater Mgmt Community Oversight**

Sewer Commissioners



Board of Selectmen Meeting Notice



2011 DEC 30 PM 3 15 **AGENDA**

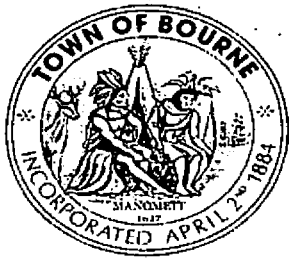
TOWN CLERK'S OFFICE,
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Thursday January 5, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

AGENDA

Bourne Football Super Bowl Champions Celebration – Bourne Veterans Community Center Gym.

Donald J. Pickard
Chairman



Board of Selectmen Meeting Notice AGENDA



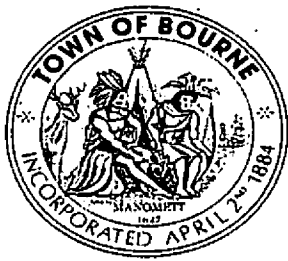
Joint Meeting

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday January 9, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

NOTE: This meeting is being recorded for television replay. If anyone in the audience is audio or video taping, they need to acknowledge it at this time.

7:00 Joint meeting between Board of Selectmen and Finance Committee
to discuss upcoming FY2013 Budgets

2012 JAN 4 PM 2 20
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice AGENDA



Date

Tuesday
January 9, 2012

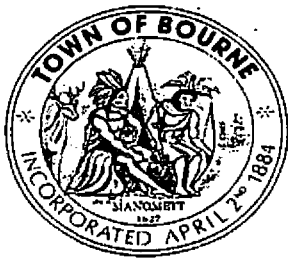
Time

7:00 p.m.

Location

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

7:00 Joint meeting between Board of Selectmen and Finance Committee
to discuss upcoming FY2013 Budgets



Board of Selectmen Meeting Notice AGENDA



EXECUTIVE SESSION 5:45 – Contract negotiation – Health Insurance

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday January 10, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-5) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Public Comment – Non-Agenda Items
 4. Minutes : Executive: December 21, 2011
Regular: April 19, 2011; December 20, 2011
 5. Correspondence
 6. Licenses/Appointments/Fees
 - a. ZBA Fees
 - b. Human Services Appt – Olivia Garcia (student)
 7. Mass DOT/BETA Corporation/Cape Cod Commission
Bourne Rotary reconfiguration
 8. Town Administrator Report
 9. Selectmen's business
 10. Adjourn

2012 JAN 5 PM 4 30
TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of January 10, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532

2012 MAR 23 AM 11 33

TOWN CLERK'S OFFICE
BOURNE, MASS

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman (excused)
Jamie Sloniecki
Earl Baldwin
Peter Meier (excused)

List of documents:

- Chapter 91: Section 10A temporary moorings of floats or rafts; permits issuance or refusal; review public nuisance – 2 pages dated 1/10/12 for the record.
- BETA Corporation drawing plans of the Bourne rotary – 15 pages

Sloniecki MOVED and SECONDED by Baldwin to accept the Plan Design, as related to the Healthcare Insurance Program, as outlined by the Town Treasurer and HR Director in Selectmen's Executive Session dated 1/10/12. Roll call: Sloniecki – yes; Baldwin – yes; Pickard – yes.

Meeting called to order
7:00 pm by Chm. Pickard.

Moment of Silence/Salute the Flag

Public comment (non-agenda items)

James Mulvey with regard to the Harbormaster's duties and authority. Mr. Mulvey gave copies of "Chapter 91: Section 10A temporary moorings of floats or rafts; permits issuance or refusal; review public nuisance" to Selectmen prior to tonight's hearing, raising issue of powers, duties and responsibilities of the Harbormaster. In doing his own research, under Chapter 91 of the Waterways of the MGLs and Section 10 and 10a, it defines what the Department is. It is designated as the DEP and Environmental Management; Harbormaster is subject to this function of the State government. On Page 17, Mr. Mulvey read into record "...any person may appeal to the Division of Waterways of the Department within 30 days..." He stated this indicates that the Harbormaster decisions are appealable to the State level. Another section on the same page cites "... reasonable fee imposed by the city or town" Mr. Mulvey states the Selectmen's jurisdiction with the Trustees of the Community Building is restricted to setting fees to the buildings and not the operation. He continued to say that other indications in the document he presented to the Selectmen say that the Harbormaster is in control of the moorings, docks, etc. Chm. Pickard commented on not being able to deliberate on this topic at

tonight's meeting. However, he stated that it is Tim Mullen's, Harbormaster/DNR Director, opinion that he believes the Selectmen are only charged, with regard to moorings, is to set the fees with no control over anything else. Therefore, Chm. Pickard requested TA Guerino forward provided information by Mr. Mulvey and follow up with Town Counsel.

Approval of Minutes

Chm. Pickard said due not having a full Board, the executive session minutes of 12/21/11 and regular session 4/19/11 will be deferred to the next Selectmen meeting.

Sloniecki MOVED and SECONDED by Baldwin to approve minutes of 12/20/11 as submitted. UNANIMOUS VOTE.

Correspondence

Sloniecki read correspondence into record. All correspondence is on file in the Town Administrator's office.

Item B - Letters of interest – TA Guerino to forward letters for match up.

Licenses/Appointments

a. ZBA Fees

TA Guerino briefly discussed the Zoning Board of Appeals (ZBA) fees presented by Chm. Lee Berger, which will be public record and recommends the Board adopt them. Sloniecki read said fees into record.

Sloniecki MOVED and SECONDED by Baldwin to approve the proposed filing fees as proposed by Chm. Berger on behalf of the Zoning Board of Appeals. UNANIMOUS VOTE.

b. Human Services Appt – Olivia Garcia (student)

Sloniecki MOVED and SECONDED by Baldwin to approve request of Olivia Garcia as youth member of the Human Services and Resources Committee for a term to expire 6/30/12. UNANIMOUS VOTE.

Mass DOT/BETA Corporation/Cape Cod Commission

Updated traffic configuration presentation by BETA Corporation as it relates to the Bourne rotary.

Ken Ho and Anthony Lionetta, P.E.'s from Beta Corporation.
Clay Schofield, from Clay Engineering.

Mr. Schofield said he was asked by the Mass DOT and BETA Corporation to look at a low cost project for the Bourne Rotary and feels this proposed project is it. Low cost, high yield. BETA Group has been involved in consulting civil engineering for 30 years. It is an employee-owned company. In addition to municipal experience, they have Mass DOT experience.

Currently working in Barnstable on a town wide traffic signal inventory; when complete, information on traffic signals can be accessed on the website.

Mr. Schofield turned the meeting over to Mr. Ho, BETA Corporation, who highlighted preliminary plan concept and will identify steps needed to take moving forward.

Bourne Rotary project.

To begin, Mr. Ho identified the differences between a rotary and a roundabout. A rotary: size of circle (300 ft plus defines as a rotary); entry vehicle speed 30 mph+; entry radius varies. A roundabout: size of circle is smaller (250 ft max diameter); entry vehicle speed 20-25 mph; entry radius 30 feet to 100 feet.

Mr. Ho reviewed existing conditions at the Bourne rotary. Heavy volumes and traffic operation have been reviewed. Accidents have also been reviewed (2006-2008 accident data) – 76 accidents at the rotary. Location at accidents (side swept, rear-end collision) are within the weaving sections of the rotary and diving and approaching of the rotary. There currently are no pavement markings on the rotary (or signage).

Recommendations:

- Pavement marking within the rotary; stripe from the outside pushing weaving distance out, allowing people more time to decide where to go. Yellow stripe on the inside of the rotary.
- Create two 15-ft. travel lanes throughout the entire rotary; adding yielding marking before entering into the rotary.
- Minor adjusting to the curb (widening) so trucks can safely make turn onto the bridge without encroachment. Proper radius and merging into the rotary (conventional pavement marking).
- Not to change the current signage within the rotary.
- Adding signage as approaching the rotary, approximately 400 feet have an overhead sign; from that sign going north going over the bridge recommend another guide sign telling people as they approach the rotary, this is what they have to keep an eye on.
- Adding advanced signage (guide signage) at the other side of the bridge; in addition to regulatory signage.

The goal is to create safety of the rotary and the next step (assuming the Board finds concept acceptable) would be to meet with Mass DOT with recommendations (striping and signage) and construction from the design standpoint. Prior to said meeting, more traffic data needed to validate their work to make sure there are no safety issues and minor geometry work for trucks in front of the IHOP.

Mr. Schofield added BETA Corporation did this work pro bono, giving a no-cost solution. Looking for some response from the Selectmen tonight; also will be looking at the Belmont rotary.

Sloniecki asked about taking property from the IHOP. Area is still within the right of way and not on private property, but is something that will need to be validated. Sloniecki commented on the striping not lasting long and asked if there is a paint that will last. Paint will be a maintenance issue, which is done by the State. Mr. Ho said thermal plastic lasts longer, but also more expensive than regular paint. Mr. Lionetta said the other type is an epoxy, but will still need to maintain.

Sloniecki asked about imbedding the lines into the road. Mr. Ho said a lot of highways have that feature, doesn't believe there is a safety concern, but doesn't provide reflectivity during the night from a safety standpoint.

Sloniecki also asked if proposed project would interfere with future work in replacing the rotary. Mr. Schoffield said this is an interim project and would not supercede the proposed future work.

Baldwin believes project as proposed is "as good as you will get".

Rickier Tellier believes as a short-term solution, this proposed project is a good one. He hopes the Selectmen will approve so all can move forward to Mass DOT.

Chm. Pickard asked if the Police Chief was consulted for this project. Not at this time.

TA Guerino recommends adding language to the signage from Woods Hole and the other way, "Sagamore Road" included with "Sandwich Road". He is concerned with Trowbridge Road where locals come into the rotary, and that it doesn't slow their ability to get onto the rotary in an effort of proposed project to get traffic on and off the rotary. If at all possible, he suggests blue signs added for lodging, meals helping local businesses coming over the bridge. Finally, to pick up on what Sloniecki said with regard to imbedding; a rumble strip or thin strip is something what the Commonwealth can review for the night vision which can be added.

Mr. Schoffield wants the proposed rotary to be safe for both residents and non-residences.

Diana Barth, Bourne Enterprise asked about north bound where people can go towards Sandwich Road, asked if a third lane could be dedicated to Sandwich Road (problematic area). Mr. Ho said as part of the follow-up, next step, they will know how many people originate from Route 28 and heading to Sandwich. If the need is there, an additional lane will be looked into. He cautions, in terms of rotary, the more lanes you create, the more lane usage will be abused.

Jim Mulvey commented on Trowbridge and Sandwich Road being heavy school traffic areas heading into the rotary where entry is an issue. Mr. Ho commented on Sandwich and Trowbridge, to possibly add smaller guide signage, but wants to eliminate confusion. Jim Mulvey asked how to break bridge traffic to enter this flow.

Sloniecki MOVED and SECONDED by Baldwin to approve traffic improvements at the Bourne Rotary as presented this evening on 1/10/12 and to authorize TA Guerino to draft letter on behalf of the Selectmen of their approval be sent to Mass Highway. UNANIMOUS VOTE.

TA Guerino with regard to Belmont rotary, said there is a RFP with some various traffic signals and other turns to get onto bridge, Route 25 and Main Street. The District Director is looking for a meeting and recommends having this meeting first when discussing the Belmont Rotary. Mr. Tellier said a meeting will be set up with DOT and Pam Asner; waiting for DOT on when they will have the meeting.

Chm. Pickard requested submitted drawings on the Bourne Rotary to go into the minutes and TA Guerino to forward said drawings to the Mass. Highway Department.

Town Administrator Report

Defer to a full board.

Selectmen's business

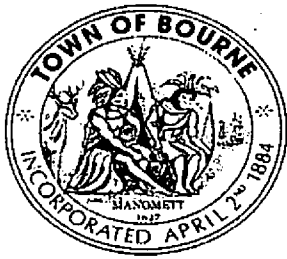
Sloniecki updated the public of the Bourne basketball team playing Wareham.

Pickard – auction of town-owned land will be March 1, 2012. TA Guerino explained the proceeds to bid will be posted on the website, advertised and mentioned at Selectmen meetings prior to the March date. Mr. Pickard discussed the celebration honoring the Bourne HS football team Div 3A champions, coaches, support staff, cheerleaders, band, athletic director, boosters, etc. Several citations presentations, including the Chamber of Commerce presented a plaque as well. Sloniecki commended Meier on all of his efforts and added that Phil Goddard videotaped the event which will be on the local access programs shortly.

Adjourn

Sloniecki MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 8:06 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



Joint Meeting with Finance Committee

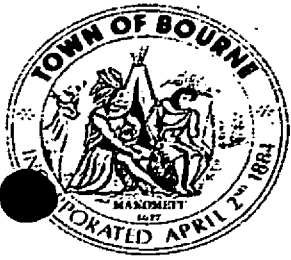
Agenda

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

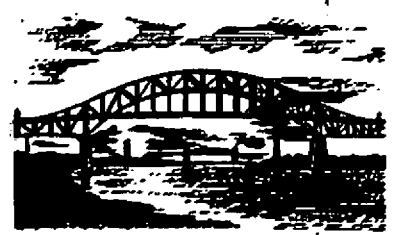
<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday January 23, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

1. Call Meeting to order
2. Annual Budget Message
3. Budget Discusslon with Finance Committee .
4. Adjourn

2012 JAN 20 9PM 9 18
TOWN CLERK'S OFFICE
BOURNE, MASS.



Board of Selectmen Meeting Notice AGENDA



<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday January 31, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : Executive Session Minutes: 12.21.11
Regular Session: 4.19.11
5. Correspondence

6. Licenses/Appointments

- a. 7:15 p.m. Commonwealth of Mass./MMA, d/b/a Beachmoor at MMA hearing for year round all alcoholic liquor license, entertainment (Sunday & Weekday) and Common Victualer Food License.
- b. 7:30 p.m. Transfer Liquor License ownership from Port O'Call, Inc. to Upland Buzzards, Inc., d/b/a Port O Call
- c. 7:45 p.m. Aquaculture Grant License Hearing
- d. Comcast Cable License
- e. Weary Travelers Club, Inc., update
- f. Change in d/b/a for SADIQ Corporation

7. Town Administrator Report

8. Selectmen's business

- a. Signing of Warrant for Primary
- b. Vote Board participation by Remote Access

9. Adjourn

2012 JAN 27 PM 12 09
TOWN CLERK'S OFFICE
BOURNE, MASS

2012 MAR 9 PM 12 08
Board of Selectmen
Minutes of January 31, 2012
Bourne Veteran's Building
TOWN CLERK'S OFFICE Buzzards Bay MA 02532
BOURNE, MASS.

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Earl Baldwin
Peter Meier

List of documents:
None.

Meeting called to order
7:00 pm by Chm. Pickard.

Moment of Silence/Salute the Flag

Public comment (non-agenda items)

Bob Schofield as Bourne representative to the Cape Light Compact. Some of rules changed for energy audits for population on Cape Cod. There are mainly income guidelines and enhancement residential programs changes. Everyone is entitled to a free audit and 75% incentive and up to to \$2,000 for insulation and \$50 for new refrigerator. 800797-6699 to schedule free energy audit.

Approval of Minutes

Discussion on approval of minutes. The consensus of the Board is to approve minutes pending Town Counsel opinion due to the resignation of Sloniecki and two former Board members Mealy and Meli for the 4/19/11 minutes.

Meier MOVED and SECONDED by Ford to approve and encumber executive minutes of 12/20/11 as submitted pending Town Counsel opinion. VOTE 3-0-1 (Ford abstention).

Ford MOVED and SECONDED by Pickard to approve minutes of 4/19/11 as submitted, pending Town Counsel opinion. VOTE 2-0-2 (Baldwin, Meier abstentions).

Correspondence

Meier read correspondence into record. All correspondence is on file in the Town Administrator's office.

Item B – numbers are equal to what the town received last year in Chapter 70 and General Local Aid to cities and towns. With the first view of the cherry sheets, local aid is the same. Assessments are up substantially in the area of charter school.

The total budget is equal is \$51M; \$62M including sewer. Ford read last years numbers.

Item E – Ford explained real estate taxes and the 2 ½% are different. He encouraged citizens to go to Town Meetings as this is what sets the tax rate. Assessors re-set the tax rates on Town Meeting vote.

Item G – Pickard recognized Sloniecki's work on the Board and will miss his membership.

Pickard asked TA Guerino to put a one-page letter he received after the Selectmen's packets were sent onto a future meeting correspondence.

Licenses/Appointments

a. MMA

Captain MacDonald, VP of Operations at MMA, seeking year round all alcoholic liquor license, entertainment (Sunday and weekday) and common victualer food license.

Chm. Pickard opened hearing by reading Bourne Enterprise hearing notice. Applicant present tonight.

MMA acquired property and are looking to transfer existing license at that time. Captain MacDonald discussed an 8-week waiting period. He let the license lapse to honor the limited events from last year. It is MMA's intention to run limited events throughout the year. Approaching to request for a single year-end license.

Abutter who lives directly next to the MMA Beachmoor explained buildings are less than 100 feet apart. Concerns about the previous owners regard with the neighbors. Asking to restrict entertainment license (in building and on grounds) and restrict time to 10 pm on both alcohol and entertainment licenses.

Ford – asked if complaints were mostly from weddings. The weddings did have the most complaints with the noise, tents and the DJs turning speakers outward. Also Saturdays all summer were an issue. During the rest of the week, was okay. Group of neighbors went to the Association to express their concerns.

Ford said the Selectmen cannot limit a certain number of liquor licenses; if you have a restaurant, you can get a liquor license.

Captain MacDonald commented on working to be a good neighbor. He has no objection to restricting license and noise after 10 pm; with regard to outside entertainment, he is confident

there is common ground. He suggested having a tent until 7 pm or 8 pm at night with some reasonable window in the afternoon.

Meier – As being President of Taylor’s Point, he encouraged a butter to contact him with concerns and complaints. As far as outside events, he feels the Academy will be run differently from the previous owners.

Ford – asked Captain MacDonald if he would be receptive to stop music at 10:00 pm. He also asked the Captain about positioning the tent on the other side.

No further public comment.

Meier MOVED and SECONDED by Ford to recess MMA hearing and reconvene after open and recess the Port O’Call hearing. UNANIMOUS VOTE.

Ford MOVED and SECONDED by Meier to open public hearing of the Port O’Call, recess and reconvene after the closing of the MMA hearing. UNANIMOUS VOTE.

Ford MOVED and SECONDED by Meier to close MMA hearing. UNANIMOUS VOTE.

Chm. Pickard recognized concerns from the past. Applicant has no history and anticipates will be better neighbors. TA Guerino said there are currently no all alcohol and entertainment license restrictions.

TA Guerino said current license has no discerning between inside and outside with regard to entertainment in only that patrons go out to the fenced in area.

Ford – raised issue on having a restricted license for outside entertainment with the Courtyard, which didn’t allow outside entertainment after 10:00 pm. TA Guerino said that license has since been lifted. Ford recommends to leave inside as is, but believe restricting outside entertainment to 10:00 pm is reasonable.

Meier – any noise complaints to call the police for record purposes.

Pickard – issue with restricting license before issued as applicant has no history. Baldwin concurs.

Meier MOVED and SECONDED by Baldwin to approve year-round all alcoholic liquor license, entertainment (Sunday and weekday) and common victualer food license for the MMA, f/k/a the Beachmoor request dated 1/31/12. DJs, bands, comedians to be conducted weekdays between hours of 8:00 am – 1:00 am; Monday – Saturday 11:00 am – 1:00 am; Sundays 8:00 am – 1:00 am; Monday – Saturday 11:00 am to 1:00 am Sundays. VOTE 4-0.

TA Guerino said if the Board wishes to change the hours on the entertainment license because of any new complaints with MMA, they will need a hearing as it was already issued.

Meier MOVED and SECONDED by Baldwin to open and defer the Aquaculture Grant License until after the closing of the Port O'Call hearing. VOTE 4-0.

Meier MOVED and SECONDED by Ford to re-open the Port O'Call hearing. VOTE 4-0.

b. Transfer Liquor License ownership from Port O'Call

Chm. Pickard opened hearing and read notice for the record.

Applicant Steven Harunk to lease building from Mr. MacDougall. Routing slip has been addressed and abutters cards received.

No public comment.

Ford – stated are there changes from the previous owner? Applicant looking to change the jukebox to more of a surround sound; already installed video surveillance equipment; at some point would like to add a deli; clean up the outside; make more quieter. Applicant is looking to keep the establishment with less problems and has installed remote video in the rear alley. He plans to be on premises to keep an eye on things.

No further Board comments.

Meier MOVED and SECONDED by Baldwin to close public hearing. VOTE 4-0.

Meier MOVED and SECONDED by Baldwin to approve transfer in ownership of Port O'Call from Ronald J. MacDougall to Steven Harunk. Transfer to include liquor license, food license, entertainment license. VOTE 4-0.

c. Aquaculture Grant Licensing Hearing

Meier MOVED and SECONDED by Ford to reconvene Aquaculture Grant Licensing hearing. VOTE 4-0.

Ford MOVED and SECONDED by Baldwin to open public hearing. VOTE 4-0.

Patrick Ross, applicant.

Chm. Pickard read into record public hearing pursuant to provisions of MGL Chapter 130, Section 60, as amended, that Patrick Ross has petitioned to establish an aquaculture grant/operation within the municipal waters of the Town of Bourne within Buzzards Bay.

Distinction from fin fish and shellfish. Nothing added to the water except for cages and oyster seed. Grow out from sand to 3" market size oyster. Permit process begins with a grant

application to go to the State. Site survey conducted to look at existing shellfish stocks, eel grass, Army Corps of Engineers have to approve grant. Town Conservation Commission and use Survey as a resource for evaluation. Board has ultimate approval. Model used as template. Equipment will be completely under water at all times 10 feet deep with four (4) visible buoys. Proposed area in Tobey's Island. Evaluation determined no eel grass and no issue for navigation. Cages will be strung on a long line similar to lobster traps.

Benefits for the town: stocks will be refurbished; local product for retailers and restaurants; partnerships with local marine services and companies; educational component (Bourne Boating reached out as a partner).

Mr. Tim Mullen, DNR Director. Site suitable for 1-acre agriculture grant. Approvals will be necessary.

Ford – asked about a timeframe. Timeframe is 2-3 years depending on the size of the oyster seed. Ford asked if there will be any service to the seeds. There will be maintenance which will be grading to keep like-sized animals together and fouling that builds up inside and outside the cages.

TA Guerino said Mr. Ross went beyond by getting abutters notified.

Jim Mulvey – Mr. Ross showed exceptional patience in his applications. The town was not prepared a couple of years ago to handle this grant. His proposal is acceptable on all points to him. He would suggest long lines be used with sinking lines. Sees no reason to oppose this project.

Mr. Skip Barlow – expressed support of this project as it is a positive move for the town.

Meier MOVED and SECONDED by Ford to close public hearing. VOTE 4-0.

Ford MOVED and SECONDED by Meier to approve an agriculture grant as presented by Patrick Ross this evening. VOTE 4-0.

Meier MOVED and SECONDED by Ford to take Item "e" and Item "f" out of order. VOTE 4-0.

d. Comcast Cable License, Bob Schofield

Comcast, Schofield and Attorney Epstein ironed out details before coming tonight to the Selectmen. Contract is used throughout the Cape; formatted for Mashpee with changes for Bourne worked into it.

Some of highlights of contract:

- Comcast wants to get out of the studio local access channels. Intent of changing over is to have a 501C3 form – independent, non-profit. This will be done within the next 3-4

months. Bourne will fund Comcast to run studio until 6/15/12 at which point it can be transparent. When signed by Selectmen and accepted by Comcast, rate payers will be charged as a surcharge on bills as 3% based on basic cable charges. With that funding, it will fund the operation of the studio on a yearly basis based on gross revenues for TV operation and anticipated revenue currently with last year's 7500 subscribers would be about \$200,000 per year.

- Major accomplishment for the Town of Bourne was a pass through yearly of approximately \$12,000 for replacement and update capital equipment (microphones) for the studio. Town able to negotiate \$200,000 over 10-year period (\$20,000/year). All other capital equipment outlays will be worked into the contract will be passed onto the rate payers.
- The local store has been in a good location and good for Bourne used by local constituents, usage was less than half. More of a service to constituents with coming to the house and not charging for this. Expansion of store hours until September. Currently there are three (3) or four (4) adjacent towns with stores.
- Service households on Otis and about 225 subscribers; they have been part of our local programming and will be part of our programming in the future and pay like other rate payers. Side agreement set up by their attorney between the two parties to have a bigger based to draw upon.

Mr. Schofield met with School Superintendent to get feelings of a studio in the high school. Former Superintendent LaFleur didn't want to change; current Superintendent doesn't want to change as well. More of a fair return for the school when it is in a 5013C. Cable Advisory Committee is not to set up for a 5013C as it is not part of their charge. Diane Flynn will help with this area and asked anyone interested for committee to set up and make it work.

Ford – inquired about the 3% rate. Mr. Schofield said 3% is the lowest on the Cape as far as charging for the service. Otis will be included in the town. Bourne wants to keep the store as Comcast wants to regionalize; Mr. Schofield said Comcast's facility but they will take care of their own business.

Meier – if they want Bourne's business, Comcast should listen to the citizens with regard to the store. Mr. Schofield said he feels the same way, but Comcast is running a business and that is the way it is.

Meier – raised issue on page 57 of the contract, regarding town buildings getting free hook-up. What is not listed: Monument Beach marina; Continental Apartments; Bourne Housing Authority. Mr. Schofield said all do not do not come under criteria, but can add the Monument Beach marina.

Meier – Questioned if can vote tonight. TA Guerino said Selectmen can vote.

TA Guerino asked about areas in town that are not hooked up (density per mile, 300' off roadway). Mr. Schofield said there was some discussion about all the points. No density per mile, but as long as there is service to them from a utility pole.

Ford – asked if counsel hired to negotiate legal aspects of the contract. Yes.

TA Guerino asked what it will cost to run the operation (non-profit). 3% figure plus capital costs over the period of the license appears to be sufficient to run operation. \$10,000/year growth without any more subscribers.

Skip Barlow – recommends the town go into a contract, ask Comcast to pay extra percent to make sure a smooth transition into the non-profit.

Ford – requested TA Guerino to seek Town Counsel with regard to a non-profit leasing a public building. Doesn't sound right for non-profit to rent for a right to be there.

TA Guerino – public education access is required. Mr. Schofield said it is a joint venture and are paying their fair share.

Jim Mulvey – Consider issues that have come up tonight that not getting answers for on a 10-year contract. Questions would indicate not in a position to take an act upon. Produced by a committee and the non-action of said committee is a violation of the Open Meeting Law. None of this has been done by this committee. No minutes of a year of meetings. No records who attended meetings. What motions made, voted or not. No record this committee made a motion to select a spokesperson or a secretary to take notes. Bargaining in his thoughts are give and take; he sees only give and no take. Losing studio benefits, setting up a corporation, surcharge. Paying the same and getting less. This should be completely rejected by the Selectmen. He suggests dismiss current committee and appoint a new committee. Selectmen dedicated to attend meetings. Need on-the-ground development of this contract and detail. Counsel was extremely knowledgeable but gave suggestions when asked of him and didn't negotiate any of this contract.

Pickard – asked Mr. Schofield how many meetings with regard to negotiation process as a committee. Mr. Schofield answered about 9 meetings. Asked if we had to take minutes of the one meeting in October and it has been posted and on the record. Talked to the Clerk and Assistant Town Clerk. Summations attorney gave them after every meeting with discussions with Comcast. No votes. For the record, Selectmen didn't attend any of our meetings as it wouldn't be proper.

Pickard – asked for the cost of attorney's fees. TA Guerino guessed between \$11,000 - \$15,000. Attorney Epstein has been in communication with Atty. Troy. Atty. Troy has seen the contract, if Selectmen approve contract add pending Town Counsel.

Ford – asked if the committee had a vote to appoint a secretary. Mr. Schofield answered no secretary. He continued to lead the group and Diane Flynn continued to be Clerk in 2010.

Meier – asked if in the minutes, is approval from Cable Advisory Committee? It was done in November.

Jim Mulvey – the last meeting held was in executive session with the Selectmen. Believes vote was to accept equipment and not the whole agreement.

Ford – in executive session was a vote for recommendation. Who else is on committee: Bill Locke, Kay Donovan, Tom O'Reilly, Bob Schofield and Diane Flynn. Attendance was not recorded but most of the members were there.

Ford – asked Diane Flynn as Clerk, if there was a vote from a quorum as a committee and voted in affirmative as it is written today as the 3% the fee of the studio. Ms. Flynn has notes and the attorney notes can be filed with the Clerk.

Jim Mulvey – there are no minutes and no motions and attended one meeting no quorum and note taker left before meeting got under way.

Meier – asked if there was any urgency to vote tonight. He would like to view notes and then file with the Clerk. Mr. Schofield said this contract can wait a week and the Atty. Epstein notes can be submitted with the notes.

Ford – Final vote is important.

Jim Mulvey – there are no minutes, and not accepted and then sent to the Clerk and has not happened in over a year.

Skip Barlow – Selectmen's committee appointed to develop an agreement with Comcast. The committee appointed Mr. Schofield as the Chairman who worked with the attorney. Feels getting bogged down and not seeing the contract for the town.

Ford – interested in minutes being filed. Meier wants to review minutes.

Pickard – agrees with Mr. Barlow in that Comcast is a big business and do what they can. He asked TA Guerino of the timeframe for filing minutes. TA Guerino said 90% of this document is boiler plate. The pieces the committee through Mr. Schofield, Mr. Epstein were limited and based on discussions, there are always things you would like to see more changes. This is a pretty good contract. Keep peg access and get the non-profit running.

Meier MOVED and SECONDED by Baldwin to table until 2/7/12 for further review on information. VOTE 4-0.

e. Weary Travelers Club, Inc. update

Mr. David Robinson, applicant.
Michael Roche, Accountant

Liquor license disapproved by the alcoholic Beverage Control Commission (ABCC) for failure to comply with Mass. Tax Laws. No manager on license as the previous manager is deceased. Today applicant came to an agreement for settlement with the ABCC of arrears in the amount of \$4,062 paid in full. Copy of payment shown to Chm. Pickard.

Chm. Pickard said it was up to applicant to provide paperwork to the office of the TA. Once received, he can set up a Transfer of Manager on a Selectmen future agenda.

Chm. Pickard requests applicant provide documentation to TA Guerino's office by 2/29/12 to address. Show cause hearing if license needs to be revoked. So moved by Ford and seconded by Meier. VOTE 4-0.

f. Change in d/b/a for SADIQ Corporation

All issues on routing slip and TA recommends Board does approves d/b/a.

Ford MOVED and SECONDED by Meier to grant d/b/a from Sagamore Deli and Package Store to One Stop Convenience Store & Liquor. VOTE 4-0.

Town Administrator's report

Working with budget; Selectmen and FinCom meeting jointly for departmental budgets. If the Selectmen want further discussion with Department Heads before warrant, give him sufficient time to put onto an agenda.

FinCom Chm. Ford offer of any Selectmen questions through joint meetings to distribute between the Board members.

TA Guerino ribbon cutting of inaugural run of bus service. Last to have fixed bus route for residents. Running on an hourly schedule. Schedules posted and reviewed every 3 months. If not at a stop, flag-stop service. Chm. Pickard commended TA Guerino.

Selectmen's business

a. Signing of Warrant for Primary

Meier MOVED and SECONDED by Baldwin to sign the Warrant for the Primary. VOTE 4-0.

Vote Board participating by Remove Access

Possible board member participate in a meeting. Certain requirements. Members of public body shall be clearly audible, quorum of body. Can vote provided board votes to participate for public access.

Meier – asked if this is a policy. It is an adoption of Commonwealth regulation.

Meier MOVED and SECONDED by Ford to adopt Chapter 30A Section 20D 940 CMR 29.10.
VOTE 4-0.

Meier - Bourne Rehab Schedule. Tablets received and will decrease the packet size.

Ford – Attended the Landfill Working Group; meeting with TA Guerino; meeting with Cheryl Campbell with tablet; attended joint meeting with FinCom.

Chm. Pickard – Attended pre-proposal RFP meeting of the Landfill Working Group. Schofield, Redman and Weir will do evaluations of technologies while Board of Health (BOH) will review certain aspects to get best “bang for the buck” with regard to leasing space at the ISWM facility. TA Guerino said money in excess of in community host will go into the Town side and not the enterprise side. Pickard also attended joint meeting with FinCom on various budgets. Request to add future agenda discussion relative to the TA contract. Board to negotiate extension of 1-year contract; negotiate a new contract; or the Board has the option to not review and advertise position. Pickard also requested to add TA Review before the contract is up. Pickard also asked TA Guerino approximately how many articles on the Warrant. TA Guerino said approximately 20.

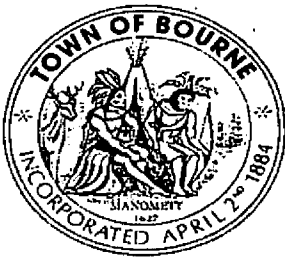
Meier – DPW working group to report before the Selectmen 3/6/12.

More than 100 days, came forward with a petition, but pretty close and spend \$13,000 for open seat.

Adjourn

Meier MOVED and SECONDED by Ford to adjourn. Meeting adjourned at 9:50 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



Date

Tuesday
February 7, 2012

Time

7:00 p.m.

Location

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

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : Executive Session 10.25.11;12.21.11
Regular Session: 4.19.11
5. Correspondence
6. Galon Barlow – President Cleveland recognition (signs)
7. AmeriCorps – 20 minutes
8. Licenses/Appointments
 - a. One Day Liquor – Briggs/McDermott House
 - b. One Day Liquor – MS Society – MMA
 - c. Appointment – Lauren Freed – Bourne Cultural - Education/Scholarship Committees
 - d. Appointment – Linda Masson - COA
 - e. Appointment – Jack Mulkeen – Bourne Human Services
9. Comcast Cable Committee/Contract discussion
10. Energy Coordinator funding for FY13
11. Board of Survey - Taylor Road
12. Inspection, Plumbing & Electrical Fees
13. Town Administrator Report
14. Selectmen's business
 - a. Revote and sign Presidential Primary Warrant
 - b. Discussion regarding Town Counsel opinion - Waterway Rules and Regulations
 - c. Town Administrator's Contract Deferred
15. Adjourn

2012 FEB 3 PM 3 38
TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of February 7, 2012
Bourne Veteran's Building
TOWN CLERK'S OFFICE Buzzards Bay MA 02532

*****BOURNE, MASS*****

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Earl Baldwin (excused)
Peter Meier

List of documents:
AmeriCorp – packet of fliers of contact numbers and emails
Inspection, Plumbing and Electrical fees – 19 pages

Meeting called to order
7:00 pm by Chm. Pickard.

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, there is a need to acknowledge such at this time. Member of the Bourne Enterprise acknowledged recording tonight's meeting.

Moment of Silence/Salute the Flag

Public comment (non-agenda items)

Approval of Minutes
Ford MOVED and SECONDED by Meier to un-encumber executive minutes of 10/25/12 as amended. VOTE 3-0.

Meier MOVED and SECONDED by Ford to approve and encumber executive session minutes 12/21/11 as submitted. VOTE 3-0.

Meier MOVED and SECONDED by Ford to approve regular session minutes 4/19/11 as amended. VOTE 3-0. *Town Counsel opinion is that the current full board can vote.*

Correspondence
Meier read correspondence into record. All correspondence is on file in the Town Administrator's office.

Item C - notification entered into Chapter 11 filings.

Galon Barlow – President Cleveland recognition (signs)

Representing Historic Society, Chm. of the Board of Directors coming before the Board for the development and location of signs, including the bridge to recognize President Glover Cleveland's summer home.

Meier – questioned Federal regulations. He suggested locating to other suitable locations agreeable by the State.

Chm. Pickard – mentioned new signage bylaws coming before the Board in the future.

Ford – asked the proposed location of the signs; if on a State highway or bridge, he suggested talking to the Corps of Engineers. Signs would include coming in Bourne from Falmouth and from Wareham; and one going up the Bourne Bridge.

Meier MOVED and SECONDED by Ford to support the President Cleveland recognition by signage as presented by Mr. Barlow tonight. VOTE 3-0.

TA Guerino – said he would contact Congressman Keating, and the Department of Interior who may have suggestions and/or funding.

AmeriCorps – 20 minutes

Present to the Board current projects this year in town of Bourne, ways to volunteer with them and request our services. Providing annual report to the community as well as project proposals and contact information.

Projects include: snow fencing; Roland Dupont dedication ceremony; Bourne Historical Society – Valley Farm Thrift Store to transform to community garden.

Weekday duties:

2 days – group service projects – environmental focus

2 days – individual placements (Red Cross, CCC) – long term

1 day – community outreach – MLK day, canal day clean up

TA Guerino invited members of the AmeriCorps to introduce themselves as in previous years. Members indicated from where they were from and what school they attended.

Chm. Pickard – asked about Bourne projects. Mashnee Dike and the Roland Dupont dedication.

Donations can be made to the AmeriCorps Cape Cod, (508) 375-6869,
www.americoprns@barnstablecounty.org

Licenses/Appointments

- a. **One Day Liquor – Briggs/McDermott House**

Ford MOVED and SECONDED by Meier to approve Briggs/McDermott House request for one day liquor license on 9/29/12 from 5:30 pm – 7:30 pm for a wine/beer/cheese/music fund raiser per routing slip (BOH, FD); and to waive the one-day license fee. VOTE 3-0.

b. One Day Liquor – MS Society – MMA

Ford MOVED and SECONDED by Meier to approve MMA request for one day liquor license for MS Society wine and malt license on 6/23/12 from 2:00 pm – 9:00 pm per routing slip (BOH and others); and per Police Chief discretion with regard to road routes coverage. VOTE 3-0.

c. Appointment – Lauren Freed – Bourne Cultural – Education/Scholarships committees

Ford MOVED and SECONDED by Meier to appoint Lauren Freed to the Bourne Cultural and Education/Scholarships committees for terms to end 6/30/14. VOTE 3-0.

d. Appointment – Linda Masson – COA

Ford MOVED and SECONDED by Meier to appoint Linda Masson to the Council on Aging for a term to expire 6/30/12. VOTE 3-0.

e. Appointment – Jack Mulkeen – Bourne Human Services

Meier MOVED and SECONDED by Ford to appoint Jack Mulkeen to the Bourne Human Services for a term to expire 6/30/13. VOTE 3-0.

Comcast Cable Committee/Contract discussion

Chm. Pickard said at the last meeting there was a question of minutes of the committee. Mr. Schofield had no further comments with regard to the contract. He did meet with the Town Clerk and was instructed how to handle filing of minutes. He worked from his notes and all notes given from Atty. Epstein during proceedings that began 6/2/10 and filed with Town Clerk on Friday afternoon. Copies of notes and minutes were submitted to Selectmen before tonight's meeting.

TA Guerino said Town Counsel is looking at the contract.

Chm. Pickard asked if there was any public comment with regard to the contract. No public comment.

Chm. Pickard explained two issues: the contract; and the minutes. Contract has been passed to Town Counsel from Atty. Epstein who worked with the committee. The board can: excuse committee and thank them for service and vote on signed contract tonight; excuse committee and thank them for service and take 2 weeks to next meeting 2/23/12 for other members to review contract, get questions, if needed, forward to TA Guerino who will then forward to Epstein. Once the board has all their questions answered, the board can either vote for or against contract.

Ford – suggested waiting for a full board. TA Guerino to update Baldwin and that the board make a vote on 2/23/12.

Meier MOVED and SECONDED by Ford dismiss the Cable Advisory Committee and express gratitude for their work. VOTE 3-0.

Ford – thanked Mr. Schofield for three years' service.

TA Guerino will draft letter on behalf of the board to the committee and will have for the board's signature at the next meeting.

Energy Coordinator funding FY13

Bob Schofield, V-Chm. Energy Advisory Committee, discussed Energy Coordinator position. The position was funded first year by the Green Communities Act grant as Bourne bought Green Energy. The Energy Advisory Committee (EAC) charge was to find something meaningful for the community and furthering energy efficiency in the Town of Bourne. EAC came to the board to find a way to continue to fund his position. Thinking ahead, the town will have a Facilities Manager. In the meantime, Mr. Elrick is able to step forward with energy audits. He was able to add two (2) boilers in the library, saving installation of about \$30,000 for the town. After Mr. Schofield spoke with the School Superintendent, he is looking to put Mr. Elrick on the school side for energy savings.

Chm. Pickard discussed funding the Energy Coordinator for another year. He is in support of the position. He also mentioned receiving letters from the EAC in support of the position.

Ford believes it is a good investment.

TA Guerino has not put position in the budget at this time and is waiting for the Board of Selectmen 's determination. He feels the position is necessary even with a Facilities Manager and will add into the budget moving forward at \$14,600.00.

Board of Survey – Taylor Road

Meier – spoke with Building Inspector. The board will table discussion at this time.

Inspection, Plumbing & Electrical Fees

Packet handed out by Roger Laporte. It has been two (2) years ago from the last increase. Most of the items were slight increases.

Meier MOVED and SECONDED by Ford to approve the increase of fees of inspection, plumbing and electrical as submitted. VOTE 3-0.

Mr. Laporte said the new fees are effective as of tonight, 2/7/12.

Town Administrator Report

TA will defer as he is working on the budget. He will have discussion for next week and will have personnel issues to come to the Board with regard to new hirings.

Selectmen business

a. Revote and sign Presidential Primary Warrant

TA Guerino said re-vote is required as there was a piece missing from Secretary of the State office.

Meier MOVED and SECONDED by Ford to sign Primary Warrant for 3/2/12 to hold elections at various town buildings. VOTE 3-0.

b. Discussion regarding Town Counsel opinion – Waterway Rules & Regulations

Town Counsel in receipt of documents and has not completed his review. Ford spoke with Town Counsel and wasn't asked, at the time in their duties and policy making, the part which was policy making. TA Guerino reviewed with Ford who agreed to bring before the board tonight, the board to vote. Town Counsel will send written memorandum with regard to the policy making duties of the Board of Selectmen.

TA Guerino discussed Mr. Mulvey's inquiry of Chapter 90 issues discussed with regard to Waterway Rules and Regulations at a previous board meeting. This information was handed to Town Counsel for opinion, which brings policy setting responsibilities and authority of the Selectmen by Charter.

Ford MOVED and SECONDED by Meier to seek Town Counsel opinion to cover policy setting as what to do with fees, can split lists for having outhaul and moorings; upon death of outhaul mooring, when can leave to spouse or family; grandfather outhauls on public property and allow private to have one (1) outhaul; include setting description of what a commercial mooring is and who can apply and how to get commercial moorings; number of moorings to be held by one individual. VOTE 3-0.

Mr. Mulvey asked if Town Counsel has responded to original opinion. TA Guerino to give copy to Mr. Mulvey.

Selectmen's Business

Meier – recognized the retirement of McGonagle and asked TA to send letter on behalf of the Board. He would like to put the IT position description on a future agenda item; Bourne Housing Rehab Program and assessment schedule - 2/8/12 meeting at the Community Building - formal meet and greet. Code work – Buzzards Bay is a target area for a grant to choose 15 people, provided income eligible, to rehab homes (shingling roofs, bathrooms/kitchens ADA compliant). Criteria is an annual salary of \$44,000 for one person. TA Guerino added that numbers do change and Coreen Moore will add those in. Applications are due 2/14/12 and the lottery will be on the 2/17/12.

Ford – agrees with having resources to cover IT Director when she takes sick leave/vacation. He wants to see if the \$3,000 is enough to cover. Attended committee with regard to the

ceremony for 100th canal anniversary; attended the Main Street Steering Committee moving forward.

TA Guerino – Admiral Gurnon was granted a plaque and honored the State Pier building renovations to adhere to the historic architecture. He was pleased the Society for Historic Preservation asked him to attend.

Chm. Pickard – From Town Clerk: Annual town election – 5/15/12; nomination papers will be available on 2/14/12, the last day to pick up papers is 3/23/12. Last day to file is 3/27/12; last to withdraw 4/4/12; last day to post is 5/8/12; election day is 5/15/12; and the last day to register is 4/17/12. There are openings for the Town Clerk, Moderator, Recreation Authority, and Selectmen positions open to name a few.

c. Town Administrator Contract

Discussion is deferred.

Adjourn

Meier MOVED and SECONDED by Ford to adjourn. Meeting adjourned at 8:14 pm.

UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

- To recommend to the Board of Selectmen transportation proposals to be sponsored by the Town, and to advocate those positions if so authorized by the Board of Selectmen. 2012 FEB 1 AM 10 17

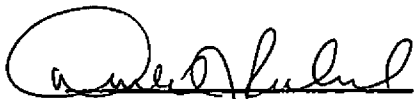
TOWN CLERK'S OFFICE
BOURNE, MASS

- To study and evaluate major transportation proposals of the United States Government, Massachusetts Executive Office of Transportation & Construction, Massachusetts Highway Department, developers and other parties that directly or indirectly impact transportation in and through the Town of Bourne.
- To solicit input from town officials, department heads, Regional Transit Authority, Joint Regional Transit Committee, state and county officials, Cape Cod Commission staff, and citizens on such major transportation proposals.
- To recommend to the Board of Selectmen the position to be taken by the Town with respect to major transportation proposals under consideration and to advocate those positions if so authorized by the Board of Selectmen.

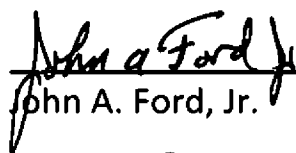
5. This Amended Executive Order shall take effect on October 18, 2011 and shall continue in effect until suspended, modified or revoked.

Given this 18th day of October 2011.

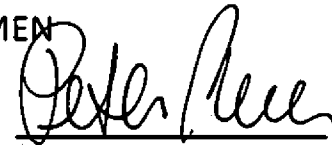
BOARD OF SELECTMEN



Donald J. Pickard, Chm.




John A. Ford, Jr.



Peter J. Meier

Jamie J. Sloniecki

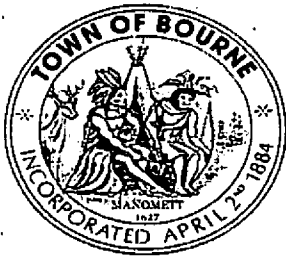


Earl V. Baldwin

*Amended on September 16, 2003 by adding the words "nominated" in number 2 by the Planning Board and by the Local Comprehensive Plan Advisory Committee

*Amended on January 23, 2007 by changing the makeup of the Committee.

*Amended on October 18, 2011 – reactivating.



Board of Selectmen Meeting Notice



Joint Meeting with Finance Committee

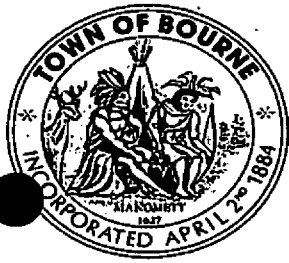
Agenda

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

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday February 13, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

1. Call Meeting to order
2. Budget Discussion with Finance Committee
3. Possible Executive Session
4. Adjourn

2012 FEB 9 PM 4 30
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice



2012 FEB 21 AM 8
AGENDA
AMENDED

TOWN CLERK'S OFFICE
BOURNE, MASS
6:30 P.M. Executive Session

To discuss strategy for possible contract discussions with the Town Administrator

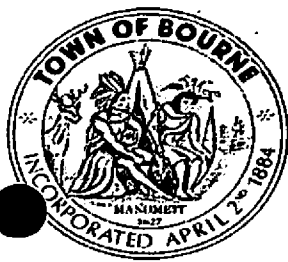
<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday February 21, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : January 31, 2012; February 7, 2012
5. Correspondence
6. Representative Randy Hunt
7. Community Boating - Paul Bushueff – power point – 30 minutes
8. Public Works Facility Building Committee report on site location. Board of Selectmen to review and possible vote
9. Licenses/Appointments
 - a. Marconi Club – Common Victualer License (food)
 - b. Election Workers appointments
10. Town Administrator's Report
 - a. Acceptance of Financial Policy related to investment protocols as adopted. Also discuss revisions to the current percentages as related to reserves.
11. Selectmen's business
 - a. Cable TV Contract discussion
12. Selectmen's Business
 - a. Town Administrator Contract

13. Adjourn



Board of Selectmen Meeting Notice AGENDA



6:30 P.M. Executive Session: Contracts for non-union personnel

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday February 21, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : January 31, 2012; February 7, 2012

5. Correspondence

6. Representative Randy Hunt

7. Community Boating - Paul Bushueff – power point – 30 minutes

8. Public Works Facility Building Committee report on site location. Board of Selectmen to review and possible vote

9. Licenses/Appointments

- a. Marconi Club – Common Victualer License (food)
- b. Election Workers appointments

10. Town Administrator's Report

- a. Acceptance of Financial Policy related to investment protocols as adopted. Also discuss revisions to the current percentages as related to reserves.

11. Selectmen's business

- a. Cable TV Contract discussion

12. Selectmen's Business

- a. Town Administrator Contract

13. Adjourn

2012 FEB 16 PM 3 27
TOWN CLERK'S OFFICE
BOURNE, MASS

Bourne Board of Selectmen
Executive Session Minutes
2-21-2012

2012 MAY 23 PM 4 25

Present - Don Pickard, John Ford, Peter Meier and Earl Baldwin TOWN CLERK'S OFFICE
BOURNE, MASS

Public - James Mulvey, K Donavan

Chairman Pickard called the meeting to order at 6:35pm

Motion to enter executive session for the purpose of discussion strategy on a contract with the town administrator. We further move that we reconvene in regular session upon the adjournment of executive session.

Motion made by Peter Meier and Second by John Ford

Roll Call Vote

Meier - Yes, Ford - Yes, Baldwin - Yes, Pickard - Yes

Chairman Pickard informed the members what the town administrator wanted in a new contract. The chairman also identified where each member stands. We discussed our options then we went and determined nothing should transpire until his attorney has forwarded a draft proposal to Attorney Troy.

NOTE: Town administrator waived the right to be present at this meeting in writing in advance and made a declaration in a public meeting previously.

Motion to adjourn executive session and reconvene in regular session.

Motion made by Peter Meier and second by John Ford

Roll Call Vote

Meier - Yes, Ford, Yes, Baldwin - Yes, Pickard -, Yes

Time 7:03pm

**Board of Selectmen
Minutes of February 21, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532**

2012 MAR 9 PM 12 07

TOWN CLERK'S OFFICE
BOURNE, MASS

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Earl Baldwin
Peter Meier

List of documents:

Meeting called to order
7:14 pm by Chm. Pickard.

Note this meeting is being televised and recorded. If anyone in the audience is recording or videotaping, there is a need to acknowledge such at this time. Member of the Bourne Enterprise acknowledged recording tonight's meeting.

Moment of Silence/Salute the Flag

Public comment (non-agenda items)
None.

Approval of Minutes

Meier *MOVED* and *SECONDED* by Ford to approve minutes of 1/31/12 as submitted. VOTE 4-0. *Ford commented on discussion of MMA entertainment license. Selectmen can't address entertainment license discussion unless there is a complaint; discussions should not have transpired at that time.*

Meier *MOVED* and *SECONDED* by Ford to approve minutes 2/7/12 as submitted. VOTE 3-0-1 (abstention from Baldwin).

Correspondence

Meier read correspondence into record. All correspondence is on file in the Town Administrator's office.

Ford commented on the minutes of the Pollution Task Force.

Letter on Council on Aging Director resignation – TA Guerino will draft letter on behalf of the Board to thank Director for her services.

Sandy's Restaurant Keno License – Ford would like to support. TA Guerino said the Board typically has not had objections to keno licenses.

March for Meals – Meier will be volunteering for delivering Meals on Wheels; 2/2/12 waiver for State Aid for Library \$8,142.17 to include library incentive plan for municipal equization grant and non-resident circulation.

Representative Randy Hunt

Here tonight to publicize an event that is being sponsored by the Joint Committee on Mental Health and Substance Abuse on 3/5/12 at 7 pm at the Sandwich High School auditorium. Prescription Drug Abuse Public Forum about issues of prescription drug abuse as well as the other issues that have come up in the area of concern. This has been a big issue on Cape Cod as well as the Commonwealth. This refers to narcotic drugs with opioids prescribed primarily for pain relief. Event will bring solutions to the problems.

Three solutions:

- Legislature has created a bill that passed the Senate but has not been through the House called an act relative to the Prescription Drug Diversion Abuse and Addiction. (Prescription monitoring Program).
 - issue of innocent doctors being taken advantage of while “doctor shopping”.
 - stops “bath salts” crystal chemical composition sold over-the-counter as recreational drug use
- Pilot program has started at the Barnstable County Correctional Facility on the drug Vivitrol; an extended time release of this drug which cancels effects of opioids. Gives person who is serious about staying sober an option to stay clean.
- Dr. Ray Tomasi of Gosnold Cape Cod to discuss techniques in detecting addicts' behaviors at a much earlier stage.

PDF file will be emailed to TA Guerino to put on the town website.

Mr. Hunt encouraged people to Google Randy Hunt State Rep for his website in which one can sign up for email lists of committees he sits on.

Bourne Community Boating – Paul Bushueff

President and Executive Director introduced who thanked the town for supporting Bourne Community Boating (BCB) and in keeping program running.

Brief slide presentation of what BCB offers. Program will be the same with the addition of the 2-week Palooza session for children who don't fit into the regularly structured programs; an adult sailing and stand up boarding program. Scholarships are available and encourage people to apply.

Meier raised issue with seasonal residents not meeting the 3/3/12 registration and possibly missing out on participating. Residents who can't fit into the 4-week program may be able to register for the 2-week Palooza program.

Donations can be sent to, including sponsorships for Phinney's Harbor Day:
Bourne Community Boating
PO Box 3157
Bourne, MA 02537

or on their website:

www.bournecommunityboating.org

Meir MOVED and SECONDED by Ford to recess for five minutes. UNANIMOUS VOTE.

Public Works Facility Building Committee Report – Stanley Andrews and Rickie Tellier
Committee update. Committee members were introduced.

Review of feasible study was done after committee members visited other surrounding Public Works, including what used for facilities. This information helpful in looking for site visits.

General site the committee has looked at 17 acres near the new elementary school. This site gives room for expansion and leaves a buffer between the school and the proposed Public Works building. The committee recommends to the Selectmen that the Department of Public Works site included in the GIS site map, identified in the blue lines in the referenced map dated 1/28/12 and stamped by the Planning Department.

Future items – bringing on board an engineer to assist with developing plans for the design of a site utilities and placement of a lock building and utilities for this site. They would like Selectmen to take action on said site moving forward.

Meier – raised issue of a placeholder on the Town Warrant for discussion purposes. Selectmen would need to know a reasonable timeframe this can be obtainable, they would need to pull the article. Mr. Andrews said at this time the committee doesn't wish to pull the placeholder and would like to continue working towards goals of making Town Meeting for a request. This will be a potential debt exclusion override question and will go to Town Counsel to put Article together.

Ford – asked where in relation is the proposed site to the water fields. It is outside of the water resource district on the site at this point. Water flow analysis and information on wastewater shows directional flow heading towards the canal.

TA Guerino said this location was the same place that was reported to the Selectmen at Town Meeting three years ago. At that point in time, the School Committee was agreeable to the area with further studies.

TA Guerino recommends the Board recommends proposed site tonight. All traffic in and out will be before the school and hours of operation are the opposite of the school which works out well. Most safety concerns have been taken into consideration and still continue today. The next step is the committee to work engineer they obtained for a design build and how to make facility fit on site. At that point, they will have cost estimates to bring to Town Meeting.

Meier – money remaining. Money to spend for the engineering design of the site.

Meier MOVED and SECONDED by Baldwin to support the DPW Working Group Committee's recommendation for the 17-acre parcel referenced in the Town Planner's plan of 1/28/12. VOTE 4-0.

TA Guerino said the taking of some money out of Stabilization or Free Cash to offset the cost of this building is still a possibility, but looking at the debt schedule going out, it may not make a lot of sense to use the reserves for borrowing that amount of money over a 20-year period at such a low rate. However, the Selectmen will have to determine financing and scheme. Before it goes to Selectmen for inclusion on the ballot or at Town Meeting, all of the financing mechanisms and options must be available for review.

Any models of buildings the committee reviewed that would be a good fit. The Town of Hingham had similar departments as Bourne. They don't have the trash and recycling pick-up, but very similar departments. One of the biggest concerns the committee heard was that they shoe horned their facility into too small of a site.

Licenses/Appointments

a. Common Victualer License – Marconi Club

Meier MOVED and SECONDED by Ford to approve Marconi Club request of a common victualer license per routing slip (FD annual inspection). VOTE 4-0.

b. Election Worker's

Meier MOVED and SECONDED by Ford to appoint the following persons as Election Officers: Jane Nam, Sandra Vickery, Elizabeth Paquette, Dolores Collins, Lucia Fulco, Inez W. Page and Carol Blanchette. Loraine Young (Warden), Maureen Dunne (Clerk), Mary Ellis (Clerk), Diane Flynn (Clerk), and Judith McAlister (Clerk) per request of Barry Johnson, Town Clerk. VOTE 4-0.

c. Appointment – Lauren Freed – Bourne Cultural – Education/Scholarships committees

Ford MOVED and SECONDED by Meier to appoint Lauren Freed to the Bourne Cultural and Education/Scholarships committees for terms to end 6/30/14. VOTE 3-0.

Town Administrator Report

TA Guerino has worked with financial guidelines that have served the town well. They were in the works when he first came into town and have been revised a couple of years thereafter and the town has been living very well within those policies. During the course of discussions over

the years, there was always discussion of reserves as Free Cash and Stabilization. These are crucial as they help with savings and bond ratings. However, there is a lot more to the undesignated reserves. The Financial Director and Town Treasurer, in connection with the Town Administrator, have put together for Selectmen review an amended policy to look at the policy percentages (highlighted in red) to discuss. Additionally, there is a request to note the investment policy that the Selectmen recently adopted within these financial policies. TA Guerino hopes the Board will adopt as presented. He does note, however, original policies were adopted by the Selectmen, the Finance Committee, Town Finance Director and the Town Administrator who all signed off. This will be a policy, so it will be a three meeting situation; take in this evening; second reading and third reading to adopt.

The amendments include the following:

- Change wording from "Unreserved Fund Balance" to "Reserve Fund Balance".
- Looked at changing the two rates between the Fund Balance and Stabilization from the 5% to 7%. However, upon research of surrounding towns, generally towns had 10% total, so the 12% is being more conservative and does well for our bond-rating and would like to remain as is.
- Add under "Capital Improvement Plan ... that the town should capitalize expenditures of at least \$20,000 and having a useful life of more than five (5) years ..." Ran across issue when have audit when asking what capital expenditure that used for fixed asset purposes. Recommended changing from \$5,000 to \$20,000 as listing all purchases becomes cumbersome.
- Debt Service Guidelines – remove whole section that existed and take out and put in "... the Town will strive to budget at least 3% of the general fund annual operating budget excluding debt service on debt service for capital maintenance and equipment costs. This amount does not include the debt for Community Preservation, Enterprise Funds, Debt Exclusions and self-supported debt."
- Debt Maturity Guidelines – change "7 years" to "5 years".
- Investment Guidelines to refer to the Town of Bourne Investment Policy for the full guidelines. Used to list a small amount of investment policy and wanted to make sure guidelines refer to the policies and not forget they exist.

These amendments will not affect the bond-ratings for the Town of Bourne.

TA Guerino, for the record, referenced Section C on page 2 relative to Health Insurance Trust Fund that the Town is well within our current policy of 4-month average cost of \$1.6M combined in the trust so within policy at this time.

Chm. Pickard said Meier has brought to his attention that the rules and procedures say that the Selectmen adopt policies by a 4/5th vote. TA Guerino said by policy, the Board can choose to accept the offering tonight; these will be sent to the Boards and Committees or personnel that will have an interest in this. At the second reading, TA Guerino will report back to the Selectmen relative to any comments that have come forward by interested parties; the Selectmen may/may not incorporate; and then move forward to a third reading at which time the Board could/could not adopt.

Meier **MOVED** and **SECONDED** by Ford to accept amendments as presented by Town Finance Director and move to a second reading. **VOTE 4-0**. *TA Guerino stated this will be put on the Selectmen's agenda for the 3/6/12 meeting.*

TA Guerino said the Selectmen are not currently scheduled to meet in a workshop on 3/13/12. He recommends they meet for two purposes: a) any Board or Committee come before the Selectmen if any additional budgetary questions; and b) course relative to the use of iPads. TA Guerino requests Selectmen forward budget questions by Tuesday, 3/6/12 for the meeting on 3/13 to have ample time to prepare.

Selectmen business

a. Cable Contract discussion

Chm. Pickard stated that at the request of Ford, examples of what other communities have done and have scheduled Atty. Epstein who wrote up contract on behalf of the Selectmen's Cable Advisory Committee to come in before the Board for a question and answer to see if there is any further questions he can answer before the Board puts to a vote on the contract. TA Guerino said the documents sent from Sandwich and other communities, the amount of the 3% that has been discussed relative to this contract that is going to assist the 501C corporation in running it's operation appears to be more than sufficient.

Meier – any conversation with the School Committee relative to the possible 10-year lease. TA Guerino said it is his understanding it was a favorable discussion at the time and feels it will work out fine.

Jim Mulvey – believes the 3% surcharge was not to be levied onto the subscribers. It should be duly noted that in the bill he just paid, there has already been a 3% increase and has already been levied. He wonders if anyone has contacted the State Telecommunications group and ask what justified a rate increase prior to their approval of a new contract. These questions have not been asked. What other offices have been closed? The Bourne office is busy to be closed. Should a non-profit corporation be established to run the studio and the agreement for \$20,000 for 10-years that is supposed to provide equipment only. That \$20,000 or 3% surcharge, does this money flow directly to a 501C corporation or through the town bookkeeping? This should be separate from the town and wonders if the monies involved going directly from Comcast to the corporation or going to flow through the town bookkeeping. Chm. Pickard said relative to the length of the contract, and since Bourne is the last, other

communities are now into their 8-year or 9-year contracts; his question is based on if Bourne would be better off with a 8-yr or 9-yr contract so all towns on the Cape can negotiate in mass at that point. Relative to the 3% surcharge, Chm. Pickard asked if Mr. Mulvey could provide a copy of his most recent bill to TA Guerino for follow-up with party negotiating with Comcast. Also, Comcast serves about 50 people a day at that busy and does see his point.

Jim Mulvey – 10-year contract is accessive at this time, but where a separate corporation is to be set up to run the local studio, even at the end of a 10-year period, the Town is a licensing authority and why in the position of negotiating circumstances between Comcast and the private corporation. Other than licensing, why is the town involved in negotiations between Comcast and a private corporation. Chm. Pickard said hopefully will have the best answers when address.

Ford - Atty. Troy can address all issues. The 3% cost was to go to the subscribers; not gifts given; and the \$20,000/yr for capital improvements was something different - \$200,000 doesn't come out of the consumer.

Meier – Atty. Troy agreed to form. However, he wants to make sure he signs something that is in the best interest of the town. Ford said the Selectmen will not enter into any kind of agreement without Town Counsel opinion was the point he was trying to make.

TA Guerino said under the Federal Communications Commissions as well as the public utilities group, there is very little within the cable contract that you have are negotiable. Most are established by Federal and State regulations. In terms of extension of service, the PEG channels which are required by law. The relative piece as it relates to the 501C3, you want a 501C3 with money going directly into the 501C3; the town does not want the fiduciary responsibility of keeping their books. They will be responsible for their own books. If there is a financial problem with their ability to run the system, it is not on the taxpayer to bail them out. The Town Meeting may augment from time-to-time, but is not required to do so.

Ford – one of the biggest concerns was the store leaving town and has to be addressed. The other item is the cost of cable. We do know that the \$200,000 to run the studio would be from the 3% over the 7,500 users in town; if other technology comes up, they have to maintain.

Meier – because still in negotiations, the equipment the residents view town boards on-line isn't available. TA Guerino said he doesn't know; at some point in time, in the near future, people will be able to stream local meetings through their internet.

Ford – downloads of meetings and heard the costs of \$15,000.

Jim Mulvey – has a difficulty of conceiving a 10-year contract obligating them without an escape clause in the fine print; not knowing what the future holds.

Chm. Pickard said this meeting will be on 3/6/12.

Selectmen's Business

a. Town Administrator's contract

Chm. Pickard an Executive Session was held this evening to discuss strategy for possible contract with the Town Administrator. TA Guerino attended reason being his attorney forwarded his version of a contract he would like to send to Atty. Troy. Without the contract, it is premature to discuss further to the public. Chm. Pickard anticipates Atty. Troy will have this in hand by the next Selectmen's meeting and Selectmen will table discussions until then.

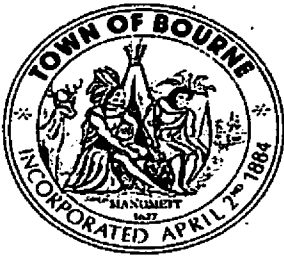
b. Other Selectmen's business

Ford – discussed the iPad and TA Guerino will have training set for the Selectmen.

Adjourn

Ford MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 10:00 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



Joint Meeting with Finance Committee

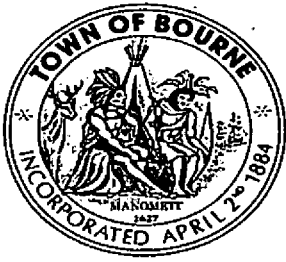
Agenda

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

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday February 27, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

1. Call Meeting to order
2. Library Revolving Fund vote
3. Recreation Department Revolving Fund vote
4. Continue review of Departmental budgets
5. Adjourn

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BOURNE, MASS



Board of Selectmen Meeting Notice



Joint Meeting with Finance Committee

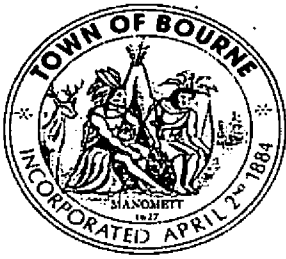
Agenda

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

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday March 5, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

1. Call Meeting to order
2. Continue review of Departmental budgets
3. Adjourn

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Board of Selectmen Meeting Notice AGENDA



2012
TOWN CLERK'S OFFICE
BOURNE, MASS

5:45 - EXECUTIVE SESSION – Union contract negotiations
Police Patrolman and non-union personnel re: Town Administrator Contract

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday March 6, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-5) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Public Comment – Non-Agenda Items
 4. Minutes: Executive – 2.21.12 - Regular 2.21.12
 5. Correspondence
 6. a. Vote authorizing the increase in spending limits of the revolving fund for the Recreation Department and Library
b. Second Reading of Financial Policies
 7. Licenses/Appointments
 - a. 7:30 p.m. Bourne Liquors, Inc. d/b/a Luke's Liquor 'N More
 - b. Super Sub Deli – Common Victualer License
 - c. Weary Traveler's Club
 - d. MMA – One Day Liquor
 - e. T Wheels – Class II Car Dealers License
 8. Cable T.V. Contract – Peter Epstein
 9. Town Administrator Report
 10. Selectmen's business
 - a. Town Administrator's Contract
 11. Adjourn

Ford MOVED and SECONDED by Pickard to reconsider vote on the HR/Fire Department position. VOTE 3-0-1 (Meier abstention).

Baldwin MOVED and SECONDED by Ford to endorse the TA's recommendation of HR/Fire Department part-time position of \$37,000- \$39,000. VOTE 3-0-1 (Meier).

Increases – H/R Director

TA Guerino explained increases includes some of the steps and will have to go back and make some adjustments up and down. The DNR Department included a step.

Ford – how many people working on classifications. Two: a) Landfill; and b) person who is Acting Council on Aging Director.

TA said there is a Special Town Meeting Article to re-vamp classification and schedule. It hasn't been done for 11 years; he did some minor modification in 2007.

Ford – suggested putting more money in the Finance Department to straighten out money for the Accountant. TA Guerino said that is one of the reasons there is a \$10,000 in a line item moving forward.

Chm. Pickard – inquired about the Supported Daycare. It is funded through a revolving account; put up a little money, but carries over. This is contingent on the ATM. This is one position that is a direct cost.

Meier – regarding the \$10,000, there would need to be a different title if there is reorganization.

Ford – at the FinCom meeting of last night, there was clarification needed of line-item under Town Planner and said he believed it was consultant fees for \$16,000. TA Guerino said there is need to revamp the LPC again. The Planning Department utilized a person through a contract service company when the Director thought her assistant was going to be out for 12-weeks. This person did a tremendous job and because of the GIZ work on top of normal duties, this contract position is a good use of money.

Ford – Town Building Maintenance/Facilities Manager - \$90,000. TA Guerino said it was mid-range.

Ford – DNR (increase of 5.4%). TA Guerino said this is anticipation of steps (2% plus the step). The DNR plugged in the full number. Part-time people are getting a modest hourly rate increase (it has been 4 fiscal years since this happened); small hourly rate increase relative to the budget. TA Guerino to get number for Ford.

Meier – looking at 3% in budget message, and it is not a true number as some will be up and down. Each person, each department will be different and as contracts are negotiated, those numbers will be up or down.

Ford – put 3% overall is that some will go up and others won't but will offset. TA Guerino will come out with a revised budget. Line items all will go into salary and can be moved around internally. True numbers won't be available until negotiations are finalized.

Ford – has issue with Recreation Director going up \$4,000 due to the lifeguard responsibility. HR Director explained she suggested the increase; the 3% was added in to represent \$4,000. TA Guerino said Recreation Director will be moving up a classification - from M5 to M6. This will bring current salary of \$62,000 to \$66,000 with 3% added in.

TA Guerino – HR Director has a question in to Atty. Troy. If article has to go to print, he will put an article in the Special Town Meeting, and use a lump sum in the article. This will allow the article to carry.

Debt Inclusions

Public Works Facility

TA Guerino to defer to the Public Works Facility Committee to make determination whether to go forward in the STM. This will be on next week's Selectmen agenda under Selectmen's Business.

Capital Expenses

Discussed with the Capital Committee next week under Selectmen's Business.

Reorganization – Division Head proposals

TA Guerino and HR Director worked on proposed Reorganization Chart to bring number of director reportees to the TA Guerino down. Budgetary impact will be between \$16,000 - \$18,000 being paid to three (3) positions (Planning Department, Human Services and Police Departments).

All positions will not have same increases. TA Guerino says the DNR comes back due to size of marinas. There are discussions of issues of police powers; DNR is not working for the Police Department, as they are not doing police work.

Ford – under the Charter, Police Chief appoints all Special Officers. Specials keep gun in locker and paid when working for the Police Department. DNR has the powers, but don't carry badges. DNR powers are given under Chapter 91. When it comes to the job description, Ford recommends taking out "special police officer" language. He explained he doesn't mean they won't be special police officers; DNR should be separated as marinas shouldn't be under the police. \$18,000 would come down to \$11,000 - \$13,000. HR Director believes it will be \$13,000.

Ford – One of the Selectmen goals was to broaden the scope so less people report to the TA. He wondered if the town could make the Financial Director a Town Administrator Assistant so down the road she has an accountant; has financial and the whole group as an administrator. She would have a stipend which would be less than the proposed Reorganization \$16,000. TA Guerino said the idea of getting Accountant was to allow Financial Director to do more technical formulation. He doesn't believe the town needs a TA Assistant, but rather: a) Community Services – look within; and b) Director of Library Services is a good fit for the Community Services Chief. This position should have the ability to understand personnel, budgetary issues and management. Ford does not concur.

TA Guerino would like to see chart implemented tonight.

Chm. Pickard – concern of Department Heads being already overworked in their current departments (Mr. Marshall), Planning and Community Development (Ms. Moore). It looks good and wonders if the people TA Guerino has selected as his choices as Division leaders can be successful in that capacity and to make sure their current department runs smoothly. TA Guerino responded by saying that if the town doesn't try, then the town won't move forward. Based on his discussions with the people he recommends as leadership capacity fit, they are willing to put additional time in to do. TA Guerino is not married to anything, but does believe going to move the organization into a place to make good performance pieces, allowing divisions to morph something that is non-1970s organization, it needs to try. This is a good starting point he has looked at different town organizations and it is how they pretty much look. If the Board is not comfortable, he suggests they keep as is.

Ford – Financial Director to Assistant Town Manager would be similar to Foxboro. With regard to the other position, he suggested using secretary in TA office for Procurement to come under Finance with a licenser who would be a direct report to the TA. TA Guerino is not in favor of this.

Chm. Pickard – function/title would be Community & Economic Development Director. TA Guerino said it is a viable position down the road. Chm. Pickard asked about morphing this position with Human Services position on the chart. TA Guerino believes no, as there are different levels of expertise.

Ford – suggests waiting until they get other people in place before the reorganizational. TA Guerino disagrees; if the Board is not comfortable, this will wait. TA Guerino feels the Board will miss an opportunity if the Board tables discussion/vote.

Baldwin – suggested the Board to write down some guidelines before next discussion and possible vote.

Ford MOVED and SECONDED by Meier to table the Reorganizational Chart. VOTE 4-0.

Adjourn

Meier MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 8:30 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

Board of Selectmen
Minutes of March 6, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532

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TOWN CLERK'S OFFICE
BOURNE, MASS

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Earl Baldwin
Peter Meier

List of documents:

At 5:45 pm, Baldwin MOVED and SECONDED by Ford to go into Executive Session to discuss Police Patrolman and non-union personnel re: Town Administrator Contract and then to reconvene into open session. Roll call: Pickard – yes; Ford – yes; Baldwin – yes.

Meeting called to order
7:18 pm by Chm. Pickard.

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

Moment of Silence/Salute the Flag

Town Administrator's Contract – Atty. Bob Troy

The Selectmen and the Town Administrator have reached an agreement in principal on a contract effective 7/1/12; terms were put in writing in which Atty. Troy is taking possession of and holding in escrow so appropriate confirmation can be made; and in the immediate future terms of contract will be made public.

Baldwin MOVED and SECONDED by Pickard the Selectmen authorize the Chair to execute the employment contract with TA Guerino. VOTE 2-1 (Ford in opposition). *Meier not available for vote at this time.*

Public comment (non-agenda items)

Kelly Morey requesting the Courtyard's Entertainment license with original restrictions put back on. TA Guerino will put on a future agenda meeting for Selectmen vote on Ms. Morley's request for purposes of a potential hearing. TA Guerino to put on the Selectmen's 3/20/12 regular meeting.

Approval of Minutes

Meier MOVED and SECONDED by Baldwin to approve and encumber executive minutes 2/21/12 as submitted. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve minutes of 2/21/12 as submitted. VOTE 4-0.

Correspondence

Meier read correspondence into record. All correspondence is on file in the Town Administrator's office.

Item L – candlelight vigil request and fundraiser David Waguespack on 3/9/12 from 6:30 – 9:30 pm at the Buzzards Bay Park. This item is included in the Selectmen's 3/6/12 correspondence.

Item F – work on a private way. Looking to do a betterment. Ford said some towns have a fund. TA Guerino added that Bourne will sometimes undertake minor repairs or if people can't get through a roadway. Bourne hasn't accepted any new roads since the early 1980's. The Board will need to make determination whether to bring forward to the voters or not at a Town Meeting.

Item I – MMA letter. The MMA will be back in December for a year- round victualer license with proper wording on the application due to Commonwealth.

Vote authorizing the increase in spending limits of the revolving fund for the Recreation Department and the Library

Meier MOVED and SECONDED by Ford to increase the spending limits of the revolving fund for the Recreation Department to \$75,000 and the Library to \$20,000. VOTE 4-0.

Second Reading of Financial Policies

Meier MOVED and SECONDED by Ford to go into Third Reading for the Town Financial Policies on 3/20/12. VOTE 4-0.

Licenses/Appointments

a. Bourne Liquors, Inc. d/b/a Luke's Liquor 'N More

Chm. Pickard opened hearing 7:29 pm and read notice of said hearing published in the Bourne Enterprise dated 2/17/12. The unit will consist of two sale areas ; L-shaped cooler approximately 23'x53' and 11'x30'; one office, 2 rest rooms; one main customer entrance/exit; one customer entrance/exit to recycling area; back room with one main delivery door and two pass doors for deliveries and entrance/exit from the store.

Ford MOVED and SECONDED by Meier to recess liquor hearing (to discuss and vote on Recreation Department and Library revolving fund increases; Second reading of Financial Policies). VOTE 4-0.

Meier MOVED and SECONDED by Ford to reconvene in open session. VOTE 4-0.

Atty. Paul Covelle representing the petitioners. All stockholders and directors, including property owner representative Fred McFadden present tonight. Paperwork has been received and filled out. No abutter notification required.

Application reveals extensive remodeling. The store proposed is to be in current location and in an adjacent store; not the old A&P grocery store.

Discussion

Bill Gibbons – is not in favor of enlarging the liquor store.

John Currey – is not in favor of enlarging the liquor store and not necessary.

Dale Richter – encourages alternate businesses be in the Town of Bourne in the proposed location.

Jay Potter – is not in favor of enlarging the liquor store.

Kay Donovan – is not in favor of enlarging the liquor store and the town has enough liquor stores.

Marcel Martineau – is not in favor of enlarging the liquor store, including another liquor store.

Ford – asked Atty. Covelle if the transfer of license contingent of the enlargement of the store. Yes. Ford also asked what the new owner will be doing with the enlarged space for the public.

Mr. Chamberlain - in general the business for selling liquor is changing; stores are increasing in size. There will be more and more products available with no way to inventory or display full-product lines. They will sell more items in volume; provide a better experience for the consuming public; and provide a better pricing level for consumer.

Fred McFadden - represents the landlord owner of the property. Reminded the Board the owners invested a lot of money on the property and take pride in the property.

Ford – asked when Stop & Shop's lease expires, which was said to not be for a long time. Chm. Pickard reminded the discussion to be kept to the specific topic at hand.

Chm. Pickard for the record, received private petitions stating there is no need for expansion to the store.

Jay Potter – feels the need for a grocery store. Chm. Pickard acknowledged that Mr. Potter has already forwarded a letter and spoke earlier tonight; and no discussion on grocery store.

Chris Cheverie – this is an opportunity to bring to the town a liquor store with a variety and to provide services they need. There has been confusion of taking over the grocery store space.

Atty. Covelle – a study was done which is relevant today; 50% of packaged alcohol beverage came over the bridge are brought in vehicles. The gap has narrowed and competition is good for the public. This business will not put other stores out of business.

TA Guerino, for the record, said there are no certified signatures, but is in receipt of several petition forms that have come to the Selectmen's office for a total of 1,092 signatories in opposition.

No further public comment.

Ford MOVED and SECONDED by Meier to close public hearing. VOTE 4-0.

Meier - in his opinion, the expansion is not in the town's best interest.

Baldwin – believes a large liquor store doesn't warrant the increased traffic aggravation for the public with the expansion.

Ford – in favor of the transfer of the liquor license and is in favor of the expansion and that competition is good.

Chm. Pickard – doesn't feel traffic is an issue like Baldwin stated, but feels there is a saturation issue and believes there is no need to have a 14,000 sq. ft. building.

Meier MOVED and SECONDED by Pickard to deny Monument Wine & Spirit's, Inc. request of a transfer of ownership from Monument Wine & Spirits, Inc. Christopher J. Cheverie, Mgr. to Bourne Liquors, Inc., d/b/a Luke's Liquor 'N More, Michael J. Patterson, Mgr. and to increase the size of the premise to be licensed to 14,024 sq. ft. (formerly 4,850 sq. ft.) license per routing slip. VOTE 3-1 (Ford in opposition).

b. Super Sub Deli – Common Victualer License
Application approved for Common Victualer License.

c. Weary Traveler's Club
Mr. Roach, Accountant and David Robinson, Acting Manager

Decision of the Department of Unemployment Insurance for the Weary Traveler's Club is based on information that Mr. Robinson's predecessors didn't file documentation. Mr. Roach filed all paperwork and sent in one good-faith payment. He is requesting an additional 30-days moving forward.

TA Guerino to put on the 4/17/11 agenda.

d. MMA – One Day Liquor

Ford MOVED and SECONDED by Meier to approve request of the Commonwealth of MA and MMA for one day liquor - all alcoholic for a Saint Patrick's Dinner Event on 3/10/12 from 6:00 pm – 10:00 pm. VOTE 4-0.

e. T Wheels – Class II Car Dealers License

Meier MOVED and SECONDED by Ford to approve T Wheels request for Class II Car Dealers License per routing slip (BOH; Assessors). VOTE 4-0.

Cable TV Contract – Peter Epstein

Atty. Epstein gave a brief overview. The Cable Advisory Committee negotiated the annual funding in the amount of 3% of Comcast gross revenue for the studio at the high school. Comcast is not going to keep running the studio. The recent change to close a studio was made in Mashpee; Mashpee will be doing its own programming. Comcast will continue to run the studio in Bourne through 6/13/12 at which time either the town or an independent company will assume. Renovations will be paid annually; Comcast agreed not to pass through subscribers and has never seen Comcast do so.

The office transition is through 9/30/12. Comcast took the position that it didn't want to continue to operate the office; Bourne cannot force them to run the office.

The advance of \$75,000 on the first years' 3% of the gross revenues are re-payable over 4 quarters with no interest. The extra money for equipment and renovations, will be re-paid.

10-year license. Federal law requires communities to start 3 years prior. There was concern with Bourne's renewal as other towns already signed a contract prior to Bourne. Bourne will be in the same timeframe as the other towns.

Committee didn't work hard enough for the best interest for the town. Out of Falmouth, Marion, Mashpee, Sandwich and Bourne, Bourne had the lowest number of office transactions. In the end, the committee was willing to let the office continue through the end of their lease (9/30/12); in the license the requirement is that Comcast will continue to operate the office in Bourne or in a continuous community. The contract doesn't require them to close, but rather allows them to close the office.

Meier – seems like boiler plate agreement and the town had a lot of limitation. It seems Bourne had no bargaining power to keep the retail store open for elderly residents. What options can the Board negotiate. Atty. Epstein said two things cannot be negotiated: a) Bourne cannot force what programming they carry; and b) Comcast rates. Comcast has the right to deregulate. Meier asked if the committee could continue discussion and if got into a situation where they did deny the contract. Atty. Epstein said it could have been more serious if the parties hunkered down; he doesn't feel the committee wanted the town to be in this position.

Meier – asked what are the ramifications to Bourne if we go without a contract. The original contract was denied initially due to the timeframe. Selectmen are complying with procedure of Federal Regulations. If the town doesn't want to go forward, it will have to go back to the drawing board with Comcast. Meier asked if Comcast would shut the system down. Atty. Epstein responded no, but the question to ask would be if the town would be getting a more favorable deal. The committee worked hard and he and the committee thought what they were doing was the best for the community. Atty. Epstein suspects it wouldn't be much of a different deal. Regarding the office, he feels Comcast wouldn't do anything different. Comcast can follow Federal Law; Selectmen would have to explain why they denied the contract. It is a frustrating, ineffective, and an expensive process in the end which will not yield much. The contract is about getting the best deal for 7,500 subscribers. He doesn't recommend going to court with Comcast.

Ford – asked if Comcast will continue to run the studio during that period of time. Comcast will continue to comply with obligations in the previous license and continue the studio.

TA Guerino – asked if the town goes back to the table, will the \$200,000 for capital equipment still be available. Atty. Epstein suspects it will come off the table;

Does the town need an article in the STM to accept monies from Comcast to be apportioned back to the non-profit. The answer is no.

Meier – asked about on-line streaming. The new contract cannot deal with communication issues. Telecommunications is not a cable issue;

Other competitors. There was some discussion with Verizon. Verizon stopped franchising. Verizon is the only competitor around;

Is it reasonable for Bourne to get into the business. It is a market financial decision. Several communities that have franchise - Norwood, Braintree, Shrewsbury, Russell but all had existing light department companies and all they had to do was apply for the franchise. Atty. Epstein feels this more of a risk for what the town would gain.

Ford – 3% that goes to the rate payers differently. It is the gross on every cable service revenue, excluding telephone and internet;

Bourne 10-year contract vs. 5/6-year. 10-year is the maximum term under State law. Federal Law says you have to start two years prior and not much will change in 5 years. In 7 years, you have to start again (other communities several months ahead of Bourne). 10-year contract is a reasonable amount of time;

Did Bourne get a better contract than other contracts on the Cape. Yes, for the funding received; the town could get more, but the community would have to pay for it.

TA Guerino – Bourne is well within its ability to run the non-profit piece.

Meier – can a non-profit company operate in a public building. Yes.

TA Guerino requested Atty. Epstein contact Comcast to see if they would consider the contract on the studio an additional 60 days (through 8/15/12) to give the non-profit organization a chance to get started. Atty. Epstein suggested that if Comcast did agreed, is there a date the Selectmen would sign the contract. TA Guerino said the date would be 3/20/12.

Jim Mulvey – requested the committee be disbanded (Chm. Pickard reminded Mr. Mulvey it already has been). As far as the contract, bargaining it wasn't and doesn't approach bargaining in any conceivable way. Money is for equipment only, not rent, maintenance, etc. Concerns if the town loses the studio and Comcast will obligate the town for monies (TA Guerino said he is checking with Mrs. O'Keefe). What is the legal responsibility for the town with regard to bargaining conditions for a non-existent private company.

Chm. Pickard – thanked Atty. Epstein for his work.

TA Guerino – the town didn't have the ability to aggregate negotiations; Bourne was behind in years of the contract; while Bourne didn't get the benefit from county funding and the notion that the cable company was going to continue to run studios, have private community cable corporations, Bourne was not going to escape.

Jim Mulvey – raised the term "augment". TA Guerino doesn't see the town is responsible with the \$200,000.

Atty. Epstein – the community cannot negotiate for a company that doesn't exist. Comcast, in the end, the issuing authority (Selectmen) or designee will be responsible for that. The \$200,000 is more than enough to fund. It is difficult negotiating with big companies. The \$20,000 per year is not part of the 3%.

Meier MOVED and SECONDED by Baldwin that the Selectmen sign agreement with Comcast for the period provided in the contract contingent upon report back from Atty. Epstein whether an extension is made on the studio through 8/15/12. VOTE 4-0.

Town Administrator Report

None.

Selectmen business

None.

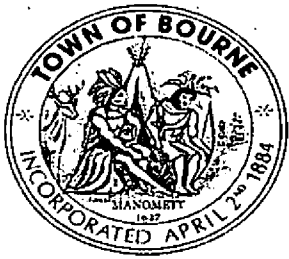
Other Selectmen's business

None.

Adjourn

Meier MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 9:05 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



Joint Meeting with Finance Committee

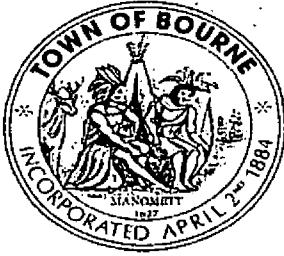
Agenda

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

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday March 12, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

1. Call Meeting to order
2. Review Bourne School District budget
3. Review Planning Department budget
4. Other Business
5. Adjourn

2012 MAR 8 PM 12 34
TOWN CLERK'S OFFICE
BOURNE, MASS



2012 MAR Board of Selectmen
Meeting Notice
TOWN CLERK
BOURNE, MASS
AGENDA



<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday March 13, 2012	5:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

5:00: - Call meeting to order

Technology use workshop – I pads

6:15 – Selectmen's budget workshop and review.

Other business

Adjourn 8:30

Board of Selectmen
Workshop Notes of March 13, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532

2012 APR 13 AM 9 16

TOWN CLERK'S OFFICE
BOURNE, MASS

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Earl Baldwin
Peter Meier

Reconvene workshop from learning to work the iPads for the Selectmen.

Selectmen's Budget Workshop and Review – 6:15 pm

TA Guerino, as part of the budget and Selectmen's goals, is endorsing two new positions of Facilities Manager and Accountant in the Finance Department on behalf of the Department Heads.

TA Guerino said the two positions are sustainable in the long-term. Beyond said positions, there are a couple of new positions he is proposing:

Chm. Pickard received an e-mail from member of the public questioning new positions when there were layoffs the previous year.

1. Program Director – Recreation Department - \$19,000

Part-time, non-benefitted position. Some monies would come out of the revolving account. Bourne is the only town that has a Recreational Director that is run by one person. Program Director will assist in program augmentation and administrative assistance relative to the Recreation Department. The Recreation Department will be taking over additional programs run by some of the non-profits. The need for this position has been asked and recognized for several years.

Ford – agrees with the Program Director, but has issue with the \$4,000 pay raise for the Director. This will be discussed later tonight.

2. Administrative Assistant – Police Department - \$33,000 - \$34,000

Full-time (A2 entry level), benefitted position. This is a reduced position which was moved out last year. There is a need in the secretarial position. The Chief does need administrative support in his office.

3. Fire Department/HR Director - ½ Secretary position - \$37,000 - \$39,000

Full-time (A3 or A4), benefitted position. A lot of the work can be taken to either place due to electronic capabilities. There is an obvious need to be returned to the Fire Department as there

is permitting work, assisting with general administrative duties that will allow the Chief to deal with issues on a more interpersonal level. Chief request. TA Guerino supports both department requests.

Ford – both functions are entirely different. Chm. Pickard concurs. TA Guerino explained this position will have to be someone who is dependable to retain for a longer period of time. If this position is offered as a non-benefited position, over a long period of time may lose person when a better opportunity comes along. Benefitted position retains a person for a longer period of time.

TA Guerino said HR could hire a full-time position as there will be plenty of work. By sharing this position, if one of the departments has a heavier load on any given week, it can be assigned to that department and vice versa. On the other hand, if a part-time person is hired, he would ask for a 3-day per week person which would need to still be a benefited position. If position is shared, hours can be worked out vs. strictly stuck with a 21-hour position.

Chm. Pickard – asked what the previous position's function was and for how many hours. 20 hours per week which was responsible for: ambulance billing, permitting – including duties that would be considered personal and confidential in nature.

4. Fire Department – Operations position - \$75,000 - \$90,000; 8 firefighter/paramedics on a 2-year grant

Based on discussions with Chief, TA Guerino is supporting 4 firefighter paramedics, 1 Administrative Deputy operational -asst chief with understanding inspector negotiated out of contract.

On a fiduciary, TA Guerino said this is an opportunity to see if this will work for the town. Operations person is needed on an: a) administrative schedule - orchestrator of permitting, inspections; and b) operational - vs. senior administrator needs on a full-time basis. This particular position he has been trying to get into the budget since FY07. The need for an additional administrative professional is recognized by the Chief. Operations position will allow the Fire Chief to concentrate on the long-term planning vs. the day-to-day planning. This will be a 5-day per week schedule. Person will be a qualified paramedic/firefighter to bring into services as well.

Ford – this Operations position will be more money than the previous position. \$40,000 more than what was budgeted from the Inspector position.

Chm. Pickard – the Deputy to be Acting Chief getting compensated? He would get regular OT rate. Operations position would not get OT. Operations would be second in command.

Chm. Pickard – concerns with the Fire Department Budget as far as the grant for the 4 firefighters. Chief requested 8 lieutenants and the town has no way of knowing whether it can sustain positions after the grant goes away. He is not comfortable to be in position to hire under a grant, lay them off (beyond the town's control) and hears down the road from the public the town could have had them.

TA Guerino – from a staffing perspective, 8 makes sense would add appropriate numbers. 4 allows 1 firefighter/paramedic per tour. This is an opportunity to see if an augmentation does anything with the Fire Department OT issue, as well as eliminating some of the "chasing" to fill position. If at the end of the grant (2 years) there is corresponding reduction in some of OT costs and in how the Fire Department is running the system, the town needs to be told upfront that if the hiring doesn't do what is expected, it goes away. The other point, if it doesn't work and it is something that hasn't meet the expectations, the town has four (4) trained firefighter/paramedics that can fill the void as the town starts to lose officers (3 over the next 2 years), but have staff to move into those positions.

5. Tech Professional – Library - \$57,000

Step 1 grade 7 benefitted position

Technology is changing, the way the library is changing. Public expecting technical support while at the library either on-line looking for a job, or staff to be technically educated with materials coming into the library.

Patrick Marshall – technology asks to training people to use e-books; apply for a job on-line, use databases; someone to keep the library on the forefront as technology continues to change; recommendations for purchases; require assistance from web servers. Right now relying on non-professional staff.

Step 1 grade 7 - \$42,000. TA Guerino will be surprised and believes it needs to go up \$15,000 - \$17,000 for a total of \$59,000.

Meier – both clerical and hourly line items are up; if creating a new position, it doesn't make sense. The Administrative Assistant line item will be reduced while kicking up the line relative to the Tech position.

Ford – position is downgraded to 28 or 29 hours. Computer tech was figured \$55,000 - \$60,000 range. The town has IT tech in Town Hall, but the Library has the need to call in specialists. He wondered if there was a team that could be put together, sharing position – for example the School). TA Guerino said this is a different type of position as the person will be primarily technically educated for library service and customer support. Mr. Marshall equated the position to the old "Reference Library".

Chm. Pickard asked TA Guerino to prioritize new positions:

1. HR/Fire shared position
2. Administrative Assistant – Police Department
3. Technology - Library
4. Asst. Chief of Operations
5. 4 firefighters/paramedics – grant funded and should look at as grant is potentially renewable

It was noted the Recreation Program Director position will be funded through revolving fund.

Discussion

Meier – commented on the lay offs from last year and is concerned about the public perception of new positions. TA Guerino said the town acted in good conscience of last year, and didn't know there would be a supplemental budget. With this, the town was able to bring some people back. Those layoffs allowed the town to have a considerable amount of money turned back to the community. There is not a position here proposed that hasn't been based on the last 5-years. He is fairly certain General Aid will not be cut in the Local Budget. Due to good budget management and departmental management, the town is in a position to move positions forward as they are sustainable in the current budget. Meier said the town is bringing the lifeguards back. All proposed positions are budget-funded and are long-term sustainable positions.

Ford – the average tax rate went up 11%; there will be debt exclusions and overrides in the future. He is looking at long-term debt. He agrees with some of the positions. TA Guerino is not sure of the addition of a Facilities Manger will equate to the reduction of a staff. Ford asked what the Facilities Director will do: assessment, cost estimates of what is needed to keep existing structures and what long-term capital will be, determine any existing staff on staff who can be used as crafts-type people as not to go out on county bid. On long-term new capital, this person will be capable of acting as the municipal representative for town facilities which will save the town a lot of money.

Ford – can the town eliminate the Facilities Manager and bring in an Accountant? Given the current reserves the town has, and based on historic nature of what the town has gone through in the last 5-years, the town is in a position to add positions with organization and sustain positions.

Chm. Pickard – there is a reduction in the amount of prevailing wage; reduction in 10-15% outside charge for parts in the long-run. Ford added as people retire, but not when people begin. Pickard feels the Facilities Manager is more important and would be a top priority.

Ford – TA Guerino has set his priorities, but doesn't feel the Board shall fill them all as presented tonight.

Chm. Pickard – Facilities Manager should be priority; he is in favor of the HR/Fire - \$39,000.

Selectmen VOTES:

Program Director – HR/Fire Department - \$19,000

Pickard MOVED and SECONDED by Baldwin to endorse the TA's recommendation of HR/Fire shared position for \$39,000. VOTE 2-1-1 (opposed from Ford; abstention from Meier).

Ford doesn't feel the splitting of departments of the position will work. TA Guerino will check with Town Counsel on vote – is it 2-1 vote?

Administrative Assistant – Police Department - \$33,000 - \$34,000

Baldwin MOVED and SECONDED by Meier to endorse TA's recommendation of Police Department full-time, benefitted for \$33,000 - \$34,000. VOTE 4-0.

Tech Professional – Library - \$57,000

Meier MOVED and SECONDED by Baldwin to endorse TA's recommendation of the Technical Professional at the Library for \$57,000. VOTE 4-0.

Fire Department – Operations position - \$75,000 - \$90,000

Baldwin MOVED and SECONDED by Ford to endorse TA's recommendation for the Operational Chief in the Fire Department; Chm. Pickard added the Lieutenant Inspector position will be relative to the contract; Lieutenant Inspector is presently in the contract and will have to be negotiated for position to take place; if the Inspector position does not come out of budget, the vote will fail. VOTE 3-0-1 (Meier abstention).

Ford seconded with stipulation of the negotiation of Lieutenant Inspector coming out of the budget.

4 firefighter/paramedics on a 2-year grant

Before the vote, TA Guerino added if this doesn't work after 2 years, the town will have trained, experienced officers that can step in as start an attrition process over the next three years.

Baldwin MOVED to endorse TA's recommendation for the four (4) firefighters. Motion failed.

Program Director – Recreation Department - \$19,000

Chrissane Caron, Recreation Director told the Selectmen this is not a revolving fund, but she would partially fund by the revolving account; the exact number is not known at this time. Based on this corrected information from Ms. Caron, TA Guerino recommends a 10-hour position that can be funded from the Revolving Fund.

The Recreation Department Director will come before the Board next week for further discussion and vote.

At this time, Ford would like to reconsider his vote and explained he can go along with the HR/Fire secretary position with benefits.

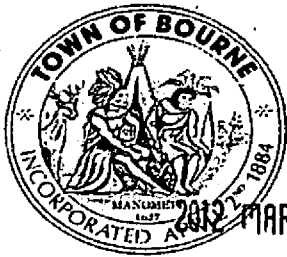
Bourne Board of Selectmen

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

The Board of Selectmen will hold a public meeting jointly with the Finance Committee on Monday March 19, 2012 at 7 PM at the Community Building.

1. Minutes of previous meeting
2. Reserve Fund Transfers
3. Review and discuss amended financial management policies and guidelines
4. Review capital expenditures budget/article 9
5. Review remaining budgets
6. Other Business

2012 MAR 15 PM 3 34
TOWN CLERK'S OFFICE
BOURNE MASS



Board of Selectmen Meeting Notice



2012 MAR 16 PM 2 21 AGENDA
TOWN CLERK'S OFFICE
BOURNE, MASS
EXECUTIVE SESSION 6:00 P.M.
Contract Negotiation

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday March 20, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-5) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Public Comment – Non-Agenda Items
 4. Minutes : 1.10.12; 3.6.12
 5. Correspondence
 6. Coreen Moore – Growth Incentive Zone – final authorization of the BOS
 7. Kelley Morley – Courtyard Restaurant Entertainment Licenses
 8. Capital Outlay Committee to present recommendations
 9. Licenses/Appointments/Easements
 - a. 7:30 Sandy's Famous Seafood Restaurant – addition of patio
 - b. 2012 Seasonal Liquor Renewal
 - c. 2012 Seasonal Licenses
 - d. Scallop Festival – Three One Day Liquor
 - e. Chartwells @ MMA – One Day Liquor
 - f. Ocean Enterprises LLC – Class II Car Dealers

- g. John Flanagan – Appointment to Transportation Advisory Committee
- h. Temporary easement - For the Impact Area Groundwater Study Program- MMR, town-owned property on County Road beginning approximately 300 feet northerly of its intersection with Michael Road and continuing southerly to approximately 325 feet southerly of its intersection with Oakdale Valley Road. There is also a request that if the sampling results suggest that a ground water monitoring well would be beneficial, that they may place up to three wells and then request a 25-year easement for the wells.

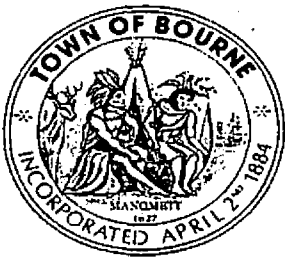
10. Cable Contract

11. Town Administrator Report

12. Selectmen's business

- a. ISWM future business discussion

13. Adjourn



Board of Selectmen Meeting Notice AGENDA

2012 MAR 19 AM 11 44



EXECUTIVE SESSION 6:00 P.M.
Contract Negotiation - ISWM
TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday March 20, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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7:00 – 7:15 (Items 1-5) Call to order

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4. Minutes : 1.10.12; 3.6.12

5. Correspondence

6. Coreen Moore – Growth Incentive Zone – final authorization of the BOS

7. Kelley Morley – Courtyard Restaurant Entertainment Licenses

8. Capital Outlay Committee to present recommendations

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 - a. 7:30 Sandy's Famous Seafood Restaurant – addition of patio
 - b. 2012 Seasonal Liquor Renewal
 - c. 2012 Seasonal Licenses
 - d. Scallop Festival – Three One Day Liquor
 - e. Chartwells @ MMA – One Day Liquor
 - f. Ocean Enterprises LLC – Class II Car Dealers – Taxes???

- g. John Flanagan – Appointment to Transportation Advisory Committee
- h. Temporary easement - For the Impact Area Groundwater Study Program- MMR, town-owned property on County Road beginning approximately 300 feet northerly of its intersection with Michael Road and continuing southerly to approximately 325 feet southerly of its intersection with Oakdale Valley Road. There is also a request that if the sampling results suggest that a ground water monitoring well would be beneficial, that they may place up to three wells and then request a 25-year easement for the wells.

10. Cable Contract

11. Town Administrator Report

12. Selectmen's business

- a. ISWM future business discussion

13. Adjourn

Board of Selectmen
Workshop Notes of March 20, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532

Town Administrator Tom Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Earl Baldwin
Peter Meier

Meeting called to order
7:00 pm by Chm. Pickard.

2012 APR 3 AM 8 43
TOWN CLERK'S OFFICE
BOURNE, MASS

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

Moment of Silence/Salute the Flag

Public comment (non-agenda items)
None noted.

Approval of Minutes

Pickard MOVED and SECONDED by Baldwin to approve minutes 1/10/12 as submitted.
VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve minutes of 3/6/12 as submitted.
VOTE 4-0.

Correspondence

Meier read correspondence into record. All correspondence is on file in the Town Administrator's office.

Item A – Ford asked if this hinged on the approval of the enlargement which what happened. Glad to see organization will come forward with transfer of liquor license. TA Guerino said proponents of the larger facility on different structure (simple transfer of ownership) and haven't withdrawn their ability to appeal at this time; maybe another lease arrangement.

Item F – George Seaver letter. Ford recommends to address with volunteers. TA Guerino will research and bring before the Board next meeting.

Item B – Invitation for Eagle Scout of Honor on 3/23/12. Baldwin will attend. Citation will be given.

Item I – Municipal Licensing Corporation. Ford recommends any member of the Board to attend on 4/24/12.

Item C – VFW Fundraiser on 4/14/12.

Item E – Conron letter and Item J – Wastewater Advisory Committee – TA Guerino said pursuant to the Board policies, appointments will be acted upon an upcoming Board meeting.

Growth Incentive Zone (GZI) – final authorization of the BOS (Coreen Moore)

GZI application is ready to be sent to the Cape Cod Commission. Before she can move forward, a Board vote will be needed that states whether the GIZ requires a Town Meeting vote or not.

Timeline reviewed, beginning in 2008 before proposing to formalize guidelines to adopt as standard at ATM 2012. Believe the town wants a GIZ in the downtown. No ordinance and coming before the Board.

Mr. Nizwicke from Cape Cod Commission – this application is an important step moving forward. Revisited the Hyannis GIZ; in the worst real estate market, downtown revitalization projects are working. Revitalization stimulates commercial and residential tax base growth.

Ford – asked about the wastewater with regard to the GIZ. Moving forward with wastewater, an actual build out with numbers that reflect in the said application has been developed, including offsets to develop. These have a cumulative threshold.

TA Guerino – the town picked up additional capacity for the town. The application gives the town flexibility.

Meier MOVED and SECONDED Ford to endorse the Growth Incentive Zone (GIZ) application moving forward immediately. The Board further determines that a Town Meeting vote on the application is not required, as a vast majority of the items included for a GIZ application had been previously approved by various annual and special town meetings. VOTE 4-0.

Courtyard Restaurant Entertainment Licenses – Kelley Morley

Ms. Morley requesting the Board to put back restrictions on outdoor music at the Courtyard Restaurant; upon research no other towns allowed to play outdoor music until 1:00 am. The Courtyard had a violation in September; and had license renewed and all restrictions were removed.

Ford – reviewed copy of the meeting with regard to the license renewal for the Courtyard. He believed the restrictions applied to no percussion outside after 10:00 pm.

TA Guerino - raised issue of the restrictions at that meeting. Ford admits TA Guerino did bring up restrictions, but only after the vote. TA Guerino said when Mr. Miller filled out the application, he was aware of the restrictions. Mr. Miller's intent was to take off the restrictions

and go back to the license it was prior to restrictions. Ford said he wouldn't have voted to take the restrictions off.

Police Chief Woodside – since September, complaints have been called in, but not justified. The restrictions in place should have been tweaked. 12:00 am is reasonable for the outside. The Millers have complied with every issue the police department has raised. It is his feeling that enforcing strictly the license restriction didn't work well for the department.

Ms. Morley – said she did call with complaints; the Courtyard had a DJ and kept playing music outside until almost 1:00 am. This is in violation.

Chm. Pickard – he isn't convinced the need for another hearing.

Ford – disagrees and feels the restrictions will give the Police a tool to enforce and is in favor of putting restrictions back on license. He doesn't feel the restrictions should have been taken off the license.

TA Guerino – for clarification, the Courtyard restrictions was never "no outside amplified entertainment"; restrictions were "no base or percussion".

Ford MOVED and SECONDED by Meier the Selectmen hold a hearing for the Courtyard Restaurant Entertainment License.

Baldwin would like to see a noise violation prior to holding a hearing. Ford said the Board can wait until a violation occurs, but would like to give the police a tool for enforcing.

VOTE 1-3 (Meier, Baldwin, Pickard). Motion fails.

Capital Outlay Committee to present recommendations – Mary Jane Mastrangelo

Mastrangelo – Capital Committee working on an inventory of capital equipment as part of developing a replacement schedule of capital items. Looking to extend the 5-year plan to a longer period of time.

Capital Requests reviewed:

1. IT – on hold. 4/11/12 - before the Board for inclusion in the ATM 2012.
2. Police Department
 - a. Cruisers (4) and laptops (3). Ongoing for laptops in the cruisers
 - b. Tasers (33) - TA recommendation of \$76,000) – new item
 - i. cameras

Chm. Pickard - asked if Bourne wants cameras on the tasers. TA Guerino said if they are not appropriate (not stable), it is a trial to see how they work and will make a determination.

Ford – cameras come into play for liability purposes. TA Guerino said the Chief is more opposed that wanting the cameras on the tasers.

Chm. Pickard – doesn't feel it is a good idea. TA Guerino said this is to see if they work; he feels it is a good experiment and feels the town should try.

Baldwin – recommends the town buy one (1) camera and do field training. TA Guerino said this is a good idea and Mary Jane Mastrangelo will take recommendation to the Committee.

3. Fire Department

- a. Replacing Engine 125 – 1987 fire engine; currently out of service; 1 of 2 held at Head Quarters (plan for stretching out how equipment will be replaced). Cost of engine \$575,000.

TA Guerino – it is equivalent to 275,000 miles of hours. To refurbish the cost is around \$220,000 with multiple parts that are over 25 years old equates to \$23,000/year for 20 years.

Ford – talked with the Highway Department this afternoon, \$200,000 and wouldn't be sure after replaced the tank and pump would be sufficient for a long period of time.

Deputy Fire Chief Carrara – the department is down three (3) engines, but even with one being repaired, still down two (2) engines. TA Guerino said a lot of the companies off McArthur Boulevard; a chemical mix foam will be used to put off fires.

- b. Pocasset Station repairs – some work to prevent further damage
- c. Air Compressor – replacing 23 year old breathing apparatus.
- d. Safety Equipment for matching Federal Funds (FEMA grant of \$225,000; proposal of \$20,000 match for the town). On 5-year replacement schedule, cover expense with grant.
- e. Buzzards Bay Station repairs – \$60,000
- f. Portable radios replacing (48)

4. DNR

- a. replacing 1995 pump-out boat
- b. Replacing in Kingman

A Department of Marine and Fisheries (DMF) grant to cover 75% of both items

5. Bourne High School

- a. Replace bleachers

- b. System IT plan – upgrading student system
- c. Replacing workstations
- d. Replacing maintenance truck with a F-250 (maintenance and initial plowing) - \$60,000
- e. Dump truck – deferring

6. DPW (replace)

- a. One ton dump truck 2001
- b. Pick-up truck 2001
- c. Dump sander 1994
- d. 1 lawn mowing equipment purchased in 1994
- e. Electrical upgrade for park and gazebo area – per Code
- f. New DPW facility – postponed recommendation until the Fall Town Meeting. Article will need to be IP'd.

7. ISWM

- a. Replacing a compactor 2005 model
- b. Cat wheel loader – replacing dozer
- c. Mobile heavy screener replacing 2001 model
- d. Replacing roll-off containers (number cut down)

Not on the ISWM list, final closure a total amount of \$1.9M.

8. Recreation Committee

- a. Clark Field upgrade – ADA compliance
- b. Pocasset playground equipment upgrade – ADA compliance

TA Guerino – the Newton case has been settled and it is up the legislature to correct the CPA funding issues. These two (2) fields have been waiting five years for the X grass using CPA funds.

9. Shore & Harbor Committee

- a. Dredging
- b. Estuaries program (UMass Dartmouth water quality project in final phase)

TA Guerino – for the Board review tonight.

10. Board of Health

- a. Replacing 2003 Ford Ranger

Total Capital Outlay Budget – \$3,230,150.

TA Guerino – this is a pretty standard Capital request before the Selectmen and would like to move forward as quickly as possible. FinCom heard this presentation last night at their meeting. He recommends the Board take action on the Capital Plan tonight, including

Baldwin's recommendation for the amount of cameras, which will bring the total down \$68,000 - \$69,000.

Ford MOVED and SECONDED by Baldwin to support Capital Outlay Plan as submitted with correction of the purchase of one camera, not four. VOTE 4-0.

Licenses/Appointments/Easements

a. 7:30 pm Sandy's Famous Seafood Restaurant – addition of patio
Deferred.

b. 2012 Seasonal Liquor Renewal
Meier MOVED and SECONDED by Ford to approve 2012 Seasonal Liquor, Food and Entertainment License Renewal for: the Chart Room; and The Sagamore Inn. VOTE 4-0.

c. 2012 Seasonal Licenses
Meier MOVED and SECONDED by Ford to approve the 2012 Common Victualer License for: Betty Ann's Dairy Freeze, Lazy Sundaes Ice Cream; Seafood Shanty; and the Whistle Stop Ice Cream Co, Inc. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve the 2012 General Amusement License for: Cataumet Light Mini Golf; and Cartwheels II. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve the 2012 Weekday Amusement License for: Cartwheels II. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve the 2012 Sunday Amusement License for: Cartwheels II. VOTE 4-0.

Meier MOVED and SECONDED by Ford to approve Coin-Operated Automatic Device License for: Cartwheels II. VOTE 4-0.

d. Scallop Festival – Three One Day Liquor
Meier MOVED and SECONDED by Ford to approve Cape Cod Canal Region Chamber of Commerce request for the Scallop Festival on 9/21/12, 9/22/12 and 9/23/12 from 10:00 am – 10 pm on Friday and Saturday; 10:00 am – 6:00 pm on Sunday. VOTE 4-0

e. Chartwells @ MMA – Beer and Wine only
Meier MOVED and SECONDED by Ford to approve MMA's request for Chartwells beer and wine only license on 3/29/12 from 5:00 pm – 10:00 pm. VOTE 4-0.

f. Ocean Enterprises LLC – Class II Car Dealers
Meier MOVED and SECONDED by Ford to approve Ocean Enterprises LLC request for a Class II Car Dealers license per routing slip. VOTE 4-0.

g. John Flanagan – Appointment to Transportation Advisory Committee

Meier MOVED and SECONDED by Ford to appoint Mr. John Flanagan to the Transportation Advisory Committee for an indefinite term. VOTE 4-0.

- h. Temporary easement – For the Impact Area Groundwater Study Program – MMR, town-owned property on County Road beginning approximately 300 foot northerly of its intersection with Michael Road and continuing southerly to approximately 325 feet southerly of its intersection with Oakdale Valley Road. There is also a request that if the sampling results suggest that a ground water monitoring well would be beneficial, that they may place up to three wells and then request a 25-year easement for the wells.**

Ford MOVED and SECONDED by Meier to approve temporary easement for the Impact Area Groundwater Study Program. VOTE 4-0.

Cable Contract

At the last meeting, the Board requested Atty. Epstein to ask Comcast if they would consider continuing running the studio until 8/15/12. Atty. Epstein contacted Comcast, who are willing to extend until 7/31/12. TA Guerino recommends the Board vote to approve this contract.

Ford MOVED and SECONDED by Meier to approve the contract as submitted and approved by Atty. Epstein and TA Guerino. VOTE 4-0.

Town Administrator Report

Sources and Uses handouts and new budget paperwork distributed to the Board per Ford request. One item not currently in the budget is the part-time Program Manager in the Recreation Department, which will be discussed at the 4/3/12 Board meeting.

TA Guerino recommends the Board meet on 4/3/12 in a public session to review Town Meeting Warrant Articles and for the Special Town Meeting. The Bylaw Committee will also be present.

Jim Mulvey – asked about public input at said meeting as he is interested in speaking on the one bylaw with regard to appointment of subcommittee by a board giving exceeding great power over the Inspector of Buildings. TA Guerino said it is up to the Board.

Ford – requested the Board to allow the public address issues per Jim Mulvey's comment.

TA Guerino – added there is one additional article relative to the Wastewater Authority as discussed at the County level that will also be discussed.

Selectmen's Business

Ford – Dalton bridge work to begin late April/early May. He asked TA Guerino about what is left in the budget to review and discuss. TA Guerino said everything was brought down to 3%; no numbers have been changed on salaries.

a. ISWM future business discussion

Chm. Pickard said after a series of presentations by the ISWM staff and its consultant George Aronson of CRMC to the BOS in joint sessions with the BOH, FC and Energy Advisory Committee discussing the future of the ISWM facility, the Working Group has a recommendation. This recommendation considered many factors including whether or not to take MSW from Cape communities when their contracts expire in 2014.

These agreements consists of:

- a. A 10-year contract to accept ash for disposal and cover use at the landfill at favorable rates. Bourne will retain 30,000 TPY of capacity to manage MSW.
- b. A 15-year contract (with a 5-year extension to be executed pending town meeting approval) to accept the Town's trash after the landfill closes until at least 12/31/2042.

One highlight is that the town has predictable revenue for the remainder of the landfill life.

The next step would be the Board to vote on the decision to authorize TA Guerino to execute both agreements on 4/3/12 at the BOS meeting. Final contract language is being reviewed by Town Counsel.

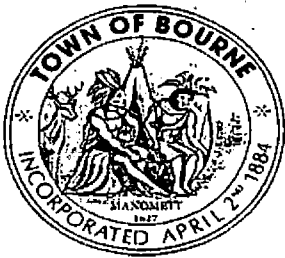
These decisions to move forward in partnership with Covanta, along with the outcome of the pending RFPs will set ISWM on a long-term course toward sustainability well beyond the life of the landfill. The Working Group will continue to play a key role in reviewing all plans and proposals.

Adjourn

Meier MOVED and SECONDED by Ford to adjourn. Meeting adjourned at 8:46 pm.

UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



2012 MAR 23 PM 3 28

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday March 27, 2012	6:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-3) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Licenses/Appointments/Easements
 - a. Auctioneer License – Petrowsky Auctioneers
 4. Town Meeting Articles
 5. Town Administrator Report
 6. Selectmen's business
 7. Adjourn

2012 APR 13 AM 9 16

Board of Selectmen
Minutes of March 27, 2012
Bourne Community Building
Bourne, MA 02532

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

TA Guerino
BOURNE, MASS

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Guests: Financial Director Linda Marzelli, Board of Health Director Cindy Coffin

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Meeting called to order
6:00 pm by Chm. Pickard

Moment of Silence/Salute the Flag

Chm. Pickard - no minutes or correspondence tonight; no Public Comment.

Licenses/Appointments/Easements

- a. Auctioneer License – Petrowski Auctioneers

Ford MOVED and SECONDED by Meier to approve Petrowski Auctioneers request of auctioneer license on 5/4/12 from 9 am – 4 pm per routing slip. VOTE 4-0.

Special Town Meeting Articles

Article 1 – negotiated agreements

Salary steps were frozen and require re-negotiation. Negotiations are currently on-going, but TA Guerino expects to have a number within the next two Board meetings to put into the motion at Town Meeting.

Article 2 – Sagamore Beach Colony Club

This article may be Indefinitely Postponed (IP).

Article 3 – Bourne Veterans Community Building

To repair or replace new roof.

Article 4 – Bourne Veterans Community Building

To create additional office space for an administrative assistant and other renovations to accommodate the public. \$12,500 to be taken Free Cash.

Chm. Pickard – talked with the Chairman of the Trustees and feels the Board and TA Guerino need to discuss at the next Board meeting. He is not sure this building should be Town Hall Annex.

Article 5 – supplement Town of Bourne ISWM Programs 2012 annual budget
Landfill doing better this year and the budget will need to be amended.

Article 6 – close out and transfer available balances

Article 7 – Center for Art, Science and Culture

Goal is to restore the former Hoxie School and to re-use as a cultural resource by private petition. Petitioners are looking for a relationship with the town and town participation. There is a great cost, but are looking for things to generate income to support their project. They are working on a master plan in conjunction with the town and the Board; this is a “faith project”.

Per the Fire Chief’s perspective, he cannot have building open to the public at this time. Since the building was vacated, it needs to be brought up to code. It is not grandfathered.

Petitioners explained the two-phases as being to use the building for functions and then to do improvements. They expect a timeframe of 5/15/12 moving forward.

Ford – raised issue that the Board was told to get off the books, as with the Coady School.

Chm. Pickard – Town Meeting vote authorized a sale or disposition of the building. Article 7 is a non-binding resolution. The town meeting vote will be an indication of the town’s position.

Ford – voters’ support for the town to maintain will need to be explained at town meeting.

TA Guerino – raised issue of cost from just keeping the building at a minimum heat temperature.

The group would consult with professionals (shut the heat and mothball the building) and will do what they can.

The Finance Committee did not take a position on Special Town Meeting Article 7.

Jim Mulvey – suggested a draft lease agreement. TA Guerino said they are a long way to develop a lease agreement, but a draft proposal come to the Board. He is not sure if the town can go another year to budget.

Ford – if the group can fix where they don’t have to heat it, maybe from fundraising they can repair or if it would fall under historical sites (CPA funds). The town voted to lease to someone or get off the books.

TA Guerino – it is up to the Board to move forward. He feels the town can sustain for another year.

Chm. Pickard – he isn’t sure the vision of this project is shared by this Board. He doesn’t feel it is financially viable for the town.

Petitioners will take the information to their committee. TA Guerino offered to attend a meeting of the group's committee.

A Special Town Meeting in October can rescind a previous vote for this building. The petitioners to speak with Town Clerk's office moving forward.

Article 8 – landfill closure work

Installation of all associated appurtenances.

Town Meeting Articles

Article 1 - Regularly required authorization

Board of Selectmen sponsored.

Article 2 - Salaries and compensation of all elected officials

Board of Selectmen sponsored.

Article 3 - Regular annual expenses

Board of Selectmen sponsored.

Article 4 - Sewer Department

Board of Sewer Commissioners sponsored.

Article 5 - State Aid Highway (Chapter 90)

DPW Superintendent sponsored.

Article 6 - Reserve Fund

Board of Selectmen sponsored.

Article 7 - Integrated Solid Waste Management Program

Board of Selectmen sponsored.

Article 8 - Revolving Funds

Linda Marzelli – annual authorization with addition of new programs:

- 1) Recreation Programs- taking funds in by the Recreation Department spending limit of \$90,000; (TA Guerino - swimming lessons sessions in July and August going into the General Fund)
- 2) Shellfish Propagation - taking funds for commercial licenses. TA Guerino said this was taken out of the General Fund, but at the last town meeting \$30,000 was put back (TA Guerino will ask Tim Mullen) for a spending limit of \$30,000.
- 3) After School Activity – fees for transportation services and transportation costs for spending limit of \$15,000.
- 4) Public Library Book – purchase additional library materials for spending limit of \$20,000.

- 5) COA Supportive Day - client services for a spending limit of \$100,000
- 6) COA Programs – any other charges and fees (instructors and programs) for a spending limit of \$50,000 (Board and FinCom have authority to raise spending limit)
- 7) Community Building Rentals – extra hours for a spending limit of \$10,000
- 8) Composting Bin – additional bins to sell for a spending limit of \$250.00

Total Revolving Fund - \$365,250

Jim Mulvey – asked if funds can be used for a designated use. TA Guerino said there are two funds: one is for Designated Donation Account; the other is the Revolving Account.

Sandra Vickery – as a concerned voter, she is requesting if the Board would consider an amendment to Article 8. Two new funds were created and feels each needs its own adequate time for discussion at Town Meeting. They have a huge impact at the COA.

Ford – explained they are separate and will be taken up separately at Town Meeting. He asked if there are any specific questions to bring up now.

TA Guerino – this is done with Capital and not uncommon for someone at Town Meeting to request a separate discussion and vote.

Ford – he can't think of a way that would interfere with how they run the Supportive Day.

TA Guerino – if this moves forward, those participants in any of the programs, it will be seamless. The only difference will be administratively. No change in personnel, no change in program guidelines. The only thing that changes is how the financing goes through the town accounts.

Chm. Pickard – raised issue with no change in personnel. TA Guerino said in the Supportive Day Program, there is not an employee that works for the town that has specific qualifications to work with clientele and clients in the Supportive Day Program.

Ford – if Ms. Vickery has any further questions, to see TA Guerino.

Betty Connelly –asked if both positions will be union employees with benefits. TA Guerino said one is paid from a revolving fund and the other is a combination of funds. Both employees of Town benefits.

Meier – wants to make sure this Supportive Day Program is sustainable. TA Guerino said this is a long-term commitment on a program that has been successful.

Article 9 - Capital improvements and capital projects

Capital Outlay sponsored.

Article 10 - Reports and recommendations

Board of Selectmen sponsored. Board or Committee reports.

Article 11 - Rescind authorization for unissued debt

Finance Director sponsored.

Article 12 - Community Preservation Committee

Administrative and operating expenses. Recommendation by the CPC at Town Meeting.

Article 13 - Community Preservation Committee

Recommendation at Town Meeting.

Article 14 - Bourne Zoning Bylaw Appendix

Architectural design guidelines. Pictures demonstrate examples. "S" stands for standard and "G" stands for guidelines.

Ford – asked about the applicant's expense for this bylaw. Ms. Moore said the vision is that an architect would sit with the Design Review Committee.

TA Guerino – there are some instances that are grandfathered. Ms. Moore said this allows applicants to come into compliance as much as possible. This article is for a new development to be consistent with a New England coastal façade.

Diana Barth – wanted to know if this will affect anything beyond the downtown. Ms. Moore said it is just for the downtown.

Article 15 - Bourne Zoning Bylaw Section 2814

Overall town regulations and create new bylaw.

Article 16 - Bourne Zoning Bylaw deleting Section 2880 Signs

New sign bylaw; the downtown should look different from the rest of the town. This will try to address issues in the downtown area.

Jim Mulvey – asked if the authority goes to the Design Review Committee to issue approval or denial before Building Inspector can issue his authority. Mr. Roger Laporte felt said committee review was a good idea in the downtown district, but raised issue with enforcing.

Chm. Pickard – concerned about adding another level, slowing down the process for someone to want to open a business. Ms. Moore said it is not required to get a sign at the beginning. This is open for pre-review and then go to the Design Review to get things worked out to move forward.

Ford – asked if this addresses the issue the Beachmoor with off-premise signs, which it will. The advantage of this Article is that the Sign Committee (approve sign design, not sign location) may meet more than the Planning Board to move forward.

Ford – asked TA to check with Town Counsel with regard to what is the avenue available to appeal if the Sign Committee denies the sign.

TA Guerino – the Board has authority with some signs (placement). However, Ms. Moore said Design Review Committee makes a recommendation to the Board.

Jim Mulvey – ZBA resolves issues where Inspector of Buildings has made a decision and is being challenged by a member of the public. In this case, being challenged and Inspector of Buildings has no right to issue because the sign was not approved by the said committee which is a subcommittee. TA Guerino to seek Town Counsel opinion.

Article 17 - Bourne Zoning Bylaw deleting Section 3530

Re-wording of bylaw suggested one member of the Planning Board. Screening of dumpsters and machinery to enhance bylaw.

Chm. Pickard – asked if this pertains to ISWM. Ms. Moore said anything that is reviewed by the Planning Board. Not for ISWM, but rather an office building or restaurant.

Ford – this would address vehicles with no engines in them.

Article 18 - Bourne Zoning Bylaw adding Section 2815 Design Review Committee

Include an architect, landscape, civil engineer, Downtown District property/business owner, member of the Main Street Steering Committee and a citizen at large.

Chm. Pickard – requires Town Counsel review for language as article should read “preference shall be given”. Also change wording to “may include”.

TA Guerino – said this is worded as a standing committee of non-members of the Planning Board.

Meier – asked if all articles have been reviewed with Town Counsel. TA Guerino said Town Counsel will have a final review of all Articles in a future meeting.

Article 19 - Blocking Fire Hydrants and Fire Department Connections

No change to the bylaw, but rather taking the fine from the Commonwealth and putting back into the town. Adding a fine of \$300.

Article 20 - 3.4.4 of the Town of Bourne Bylaws

Bylaw Committee sponsored.

Article 21 - Motor Vehicle Junkyards

Amend bylaws by striking wording of “\$50 fine” and adding “a fine of \$300 per day”.

Scott Fitzmorris – inquired about the fines for the junkyard. Selectmen are the authorizing authority and if there are any conditions or restrictions, the police can issue a fine.

Article 22 - Chapter 3 General Regulations

Adding specific fines for various violations as proposed in Warrant.

Meier – requested to change wording in item “3.1.2 Digging on Private Land” to read “...Digging on Public Land”.

Coreen Moore - inquired about the signs which are enforceable by the police. This gives police authority and the town a right to fine.

Article 23 - Police Details

Any questions give to TA Guerino who will forward to the Chief to come before the Board on 4/3/12.

Article 24 - Prohibiting Feeding of Waterfowl

Article has been on the books for over 10 years and trying to make it realistic for the cost of fines.

Article 25 - Article 3.1.4 Railroad and Auto Overpasses

Planning Board will take a position on 4/14/12.

Ford – feels the Board should take a position, but will wait to hear from the Planning Board.

Article 26 – Section 3.1.34 Sidewalk Sales

Violations subject to a fine. Same regulation and a different way to fine.

Article 27 – Section 1.1.11 Two-thirds Votes

Wording “Request of the Moderator” to be added to the Warrant Article

Article 28 – Section 3.4.2 Unsanitary Conditions

This allows the Board of Health to discuss with the police department and gives the Board of Health more enforcement.

Article 29 – Section 1.1.7 Vote by Ballot

Bylaw Committee request after discussion with Town Moderator.

Article 30 - Proceeds from insurance

Insurance recovery account. Board of Selectmen sponsored.

Article 31 - ISWM Host Community Fees in excess of \$450,000

Board of Selectmen sponsored.

Article 32 - Section 3.1.41 Unregistered Vehicles

To change Section “3.1.41” to “3.1.42”. There is some zoning enforcement and gives the Board of Health another enforcement tools.

Bylaw Committee sponsored.

Article 33 - Mooring Permits

Adding a new section. Planning Board will take a position on 4/14/12.

Article 34 - Solid Waste Related Agreements

Board of Selectmen sponsored.

Article 35 - Bourne Zoning Map

Bourne Village. Planning Board has not voted and will not until 4/14/12. The Selectmen normally do not take a position in a petitioned Article.

Board of Selectmen sponsored.

Article 36 - Repair and resurface Cheryl Lane, Pocasset
Petitioned article.

Board of Selectmen sponsored.

Article 37 - MGL Chapter 40 Section 22F
Contracted.

Finance Director sponsored.

Article 38 - Wage a wage and classification study
Board advised TA Guerino article should go on the Town Meeting.

Town Administrator sponsored.

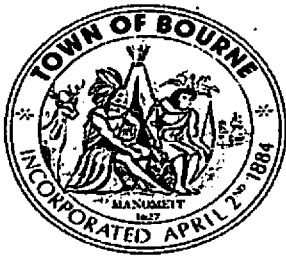
Town Administrator Report
None.

Selectmen's business
None.

Adjournment

Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 9:21 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



**Board of Selectmen
Meeting Notice
AGENDA**



**6:00 Executive session – Fire, Police Patrol Officers, LIUNA
“Unit A”, Town Administrator Contracts and Litigation
update**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday April 3, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-5) Call to order
 - 1. Moment of Silence for our Troops
 - 2. Salute the Flag
 - 3. Public Comment – Non-Agenda Items
 - 4. Minutes: 3.13.12; 3.20.12; 3.27.12
 - 5. Correspondence
- 6. Discussion and Public Details of the TA Contract
- 7. ISWM LONG TERM DISPOSAL Contract
- 8. Licenses/Appointments:
 - a. Sandy's Famous Seafood Restaurant
 - b. 4th of July Parade
- 9. Shellfish Propagation Closures

2012 MAR 30 PM 3 36
TOWN CLERK'S OFFICE
BOURNE, MASS

10. Town Administrator Report

- a. Recreation Department Part time program director
- b. Liquor License denial appeal – Luke’s Liquors ‘N More

11. Selectmen’s business

12. Adjourn

Board of Selectmen
Executive Session Minutes of April 3, 2012
Bourne Community Building
Bourne, MA 02532

RECEIVED

2016 DEC 27 AM 9:43

TOWN CLERK BOURNE

TA Guerino – LHR Director Thompson – Town Counsel Robert Troy

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Ford MOVED and SECONDED by Baldwin to go into Executive Session at 6:00 pm to discuss Fire, Police Patrol Officers, LIUNA "Unit A", Town Administrator Contracts and Litigation update and reconvene into public session. Roll Call – Ford – yes; Baldwin – yes; Pickard – yes.

The final outcomes of the negotiations with the Fire Union (Local 1717) reported to the BOS. Guerino, Thompson and Atty. Troy reported that this was a good contract, given all of the management rights and other language changes that were agreed to, including the removal of the Inspector's position for a non-union Operations Assistant Chief was Fire.

Paramedic Stipend - to \$6,000

EMT Stipend - to \$2,000

Both of these will be incorporated into the base salary moving forward and not provided as a stipend. Additionally the contract provides for retro-active pay at the same percentage rates as all other employees for the last two fiscal years and will receive a 2% cola for the upcoming FY. There are other minor adjustments to clothing allowances and the like.

Ford MOVED and SECONDED by Meier to accept Fire, Patrol Officer, LIUNA "Unit A" contracts with recommendation of Atty. Troy concession and potentials of JMLC best interest of Town of Bourne. Roll call: Ford – no; Baldwin – yes; and Pickard – yes.

Unit A – Peter rescued himself from discussion on Unit A as mother is a town employee.

Unit A. – Guerino, Thompson and Atty Troy explained the provisions of the Unit A contract and the Board approved provided that a wage opener was installed in year three as opposed as a set rate. Ford MOVED and SECONDED by Baldwin to approve the LIUNA Unit A contract with the third year change.

Roll call: Ford – yes; Baldwin – yes; Pickard – yes. Meier Rescued.

Town Administrator's contract:

Mr. Baldwin moved to approve a two year contract for the Town Administrator as changed by Atty. Troy, Mr. Pickard and Mr. Guerino. Roll call: Ford – no; Baldwin – yes; Pickard – yes. One recusal from Meier.

Adjournment

Ford MOVED and SECONDED by Baldwin to adjourn meeting at 7:12 and to return to public session. Roll call: Ford – yes; Baldwin – yes; and Pickard – yes.

Board of Selectmen
Executive Session Minutes of April 3, 2012
Bourne Community Building
Bourne, MA 02532

RECEIVED

2016 DEC 27 AM 9:43

TOWN CLERK BOURNE

TA Guerino – LHR Director Thompson – Town Counsel Robert Troy

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Ford MOVED and SECONDED by Baldwin to go into Executive Session at 6:00 pm to discuss Fire, Police Patrol Officers, LIUNA "Unit A", Town Administrator Contracts and Litigation update and reconvene into public session. Roll Call – Ford – yes; Baldwin – yes; Pickard – yes.

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Ford MOVED and SECONDED by Meier to accept Fire, Patrol Officer, LIUNA "Unit A" contracts with recommendation of Atty. Troy concession and potentials of JMLC best interest of Town of Bourne. Roll call: Ford – no; Baldwin – yes; and Pickard – yes.

Unit A – Peter rescued himself from discussion on Unit A as mother is a town employee.

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Roll call: Ford – yes; Baldwin – yes; Pickard – yes. Meier Rescued.

Town Administrator's contract:

Mr. Baldwin moved to approve a two year contract for the Town Administrator as changed by Atty. Troy, Mr. Pickard and Mr. Guerino. Roll call: Ford - no; Baldwin - yes; Pickard - yes. One recusal from Meier.

Adjournment

Ford MOVED and SECONDED by Baldwin to adjourn meeting at 7:12 and to return to public session. Roll call: Ford - yes; Baldwin - yes; and Pickard - yes.

Board of Selectmen
Minutes of April 3, 2012
Bourne Community Building
Bourne, MA 02532

2012 APR 3 PM 8 42
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Guests: Phil Goddard and Dan Barrett of ISWM

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Ford MOVED and SECONDED by Baldwin to go into Executive Session to discuss Fire, Police Patrol Officers, LIUNA "Unit A", Town Administrator Contracts and Litigation update and reconvene into public session. Roll Call – Ford – yes; Baldwin – yes; Pickard – yes.

Meeting called to order
7:30 pm by Chm. Pickard

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

Moment of Silence/Salute the Flag

Public Comment

None.

Approval of minutes – 3/13/12; 3/20/12; 3/27/12

Meier MOVED and SECONDED by Ford to approve minutes of 3/13/12 as amended. VOTE 4-0.

Meier MOVED and SECONDED by Baldwin to approve minutes of 3/20/12 as submitted.
VOTE 4-0.

Meier MOVED and SECONDED by Baldwin to approve minutes of 3/27/12 as amended.
VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Item – ABC action. Atty. Troy said it is his understanding is that applicant is going to come back to the Board (not ABCC appeal) and ask for transfer and not pursuing the expansion.

Item Z - Atty. Troy doesn't know the reason with regard to an appeal, but can get back to the Board.

Item G - Allegation of violation by establishment. Lt. Silvestro requested a hearing on alleged violation. TA Guerino said hearing notices will be set up and will be at an upcoming meeting.

Discussion and Public Details of the TA Contract

Meier recused himself as a family member is a town employee.

Ford MOVED and SECONDED by Baldwin to accept the modification of change in language in the Town Administrator contract. VOTE 3-0.

Ford said he didn't vote for the TA contract last year. The last three years have not been easy for the TA or the BOS; there have been a number of executive sessions in that period of time, involving the TA's contract or contract items. Results a one-year contract last year and now this 2-year contract 2013-201. It is an excellent worded contract hand has new sections that were needed.

1. Supersedes any provision under the Town Charter
2. Review performance of the TA by the last day in December and determine if any improvement and or training required
3. Performance expectations section funding up to \$5,000 annually for the ICMA credentialed manager certification program
4. Corrective action process which is basically a progressive disciplinary section.
5. Agrees this an excellent contracted needed for this TA, he did not vote for the contract because in his opinion if the TA needs a progressive disciplinary clause in his contracted, he should not be granted a contract. Agrees this is an excellent contract that was needed because in his opinion, if town needs TA disciplinary action the TA does not need a contract.

Baldwin – believes the TA contract is fair.

Pickard – voted last year against the contract. Wording has improved and he can look forward to getting on doing business of the town.

Atty. Troy – added the process of doing this contract also accounts for a troubling provision of the Charter the town needs to look at. TA is appointed for indefinite term. Interpreted to say

once appointed, can't be removed except for cause. Looked at the term and contract and took out of the terms of the Charter (TA agreed). Allows flexibility in appointing and renewing contracts of TA. In the future, the town intends to keep the contract outside of the provisions of the Charter. Towns need flexibility to deal with TA's and this is a step in the right direction. Thanked Mr. Guerino for his acceptance.

ISWM Long Term Disposal Contract

Highlights of each contract:

Ash – 10-year contract accept for disposal and cover. MSW pricing of \$73/ton beginning 2015. Bourne will retain 24,000/yr to market to respond to fluctuations. Landfill business model est. of \$110M. Bourne will retain control of the site and the landfill.

MSW – 15-year contract to accept trash after landfill closes. Extend to 20 yrs option. STM asking for TA authority to sign 20-year solid waste agreement through 12/31/41. Tipping fees \$17.92 in 2022 escalated at fixed 2 ½%. This contract does not conflict with recycling and aversion goals. GET COPY FROM DAN BARRETT.

Ford – asked if Board of Health (BOH) has reviewed both contracts. They weren't aware of how much ash Bourne was going to take. Price is a substantial component, but the biggest concern of the BOH is the environmental concerns.

TA Guerino – components that would be included is not exceeding average daily tonnage and weekly tonnage if materials to be deposited in the landfill, within the permit. Dan Barrett is going to the BOH with details of the contract. Recommends the Board go ahead with the vote tonight.

Chm. Pickard – every process that has been addressed, the BOH has been brought up to speed. This provides Bourne with a revenue stream that is predictable and has a lot of potential for the town.

Ford – will vote to authorize TA Guerino to sign agreements as BOH have been brought up-to-date.

Ford MOVED and SECONDED by Meier to authorize the Town Administrator to sign Ash Disposal Agreement and MSW contract with Covanta-SeaMass on behalf of the Board of Selectmen. VOTE 4-0.

Mr. Phil Goddard gave copies of the contracts for Selectmen signature.

TA Guerino said responses to RFPs opened last week on Thursday @ 2pm. Received one proposal integrated for 3 RFPs; received 2 proposals on RFPs regarding leachate; 3 proposals are non-responsive and could not be acted upon. Mr. Aronson looking at submittals and 90-days to make a recommendation moving forward. Best way to proceed is voting will be done

by the Sub-committee which includes John Redman (FinCom), Bob Schofield (Energy Advisory Committee, and Mr. Ware.

Licenses/Appointments/Easements

a. Sandy's Famous Seafood Restaurant

The majority of the Board wishes to table vote once site plan review of 20'x73' outside patio for dining has been conducted.

Planters will be used and removed off season. Will have a person to watch and keep patrons in deck are.

Ford – there usually it is a hearing with regard to decks. TA Guerino said already had hearing, bit will speak with Ms. Sundman to make sure the town is in compliance moving forward.

Meier – would like to hold off on voted pending Planning Board opinion with regard to parking.

b. 4th of July Parade – 6th Annual request

Meier MOVED and SECONDED by Baldwin to approve request of the 4th of July Parade to be held on 7/4/12 from 9:00 am – 12:00 pm per routing slip. VOTE 4-0.

Shellfish Propagation Closures

Recommended closures from DNR Director Tim Mullen which include Tobey Island, North side, designated recreational area known as Little Bay, portion of the designated recreational area known as Winsor Cove and section or the North East corner of Little Buttermilk Bay adjacent to Old Head of the Bay Road. Closures will be effective 4/23/11 for about a year, TA Guerino believes.

Ford – the cost of bushels is likely to be \$15/\$17 which is cost effective. Propagation is funded by Shellfish Propagation Fund. The price is going up as last year it was \$12.

Meier MOVED and SECONDED by Ford to approve the Shellfish Propagation Closures as presented by DNR Director Tim Mullen. VOTE 4-0.

Town Administrator Report

a. Recreation Department part-time Program Director

Re-address after discussions to keep programs expanding and running in the Recreation Program. It is not a net \$19,000, but rather a net \$12,000. This is not a full salary and is an augmentation of about \$12,000. TA Guerino requested sum justification given to Board in writing. TA Guerino recommends. It is non-benefited and provides help to a one-person department.

Krissanne Caron explained one person cannot take on registration for 450 kids for basketball for example. The SWISH league is no longer running the basketball as they struggled to get

volunteers to run the program. If the Recreation Department doesn't step in, there won't be a recreation program.

TA Guerino said Ms. Caron looked at fee structures in the first year, the fees currently charges that are in place right now; they would go up exponentially and be hard for people to participate. Next year will be able to offset.

Ford suggested to put \$19,000 into the Revolving Account to make available for the first year only (not a permanent position) out of the Town budget.

Ms. Caron said the League recommended a fee on the high end. With not paying custodian fees as it was put into the budget, the fees should go down.

Chm. Pickard – the cutting a new position. TA Guerino said looking at positions and setting priorities, the Fire Department position is going to be put on hold at this time.

Meier MOVED and SECONDED by Ford to approve the position of the part-time Program Director as presented by Recreation Director. VOTE 4-0.

b. Liquor License denial appeal – Luke's Liquors 'N More

This item was discussed under correspondence.

Selectmen's business

Meier – Sandy's has 30 days to act or right to appeal under default. A decision will need to be made by 4/19/12.

Ford – attended Main Street Steering Committee meeting moving ahead in getting Cape Cod Commission approval – next week meeting with Executives with regard to security.

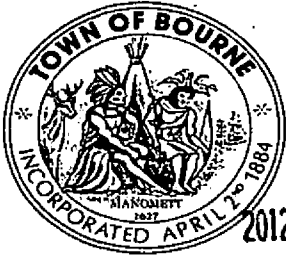
Meier – 100 year anniversary of the canal. It is also the 100 anniversary of Bourne Town Hall and suggested looking into recognizing with the canal anniversary. If the Historical Commission isn't the correct avenue, the Board may be able to.

Baldwin – will attend forum by Lt. Governor with regard to use of the base. Chm. Pickard will also attend.

Adjournment

Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 8:30 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



2012 APR 4 AM 9 26 AGENDA

TOWN CLERK'S OFFICE
BOURNE, MASS

Date

Thursday
April 12, 2012

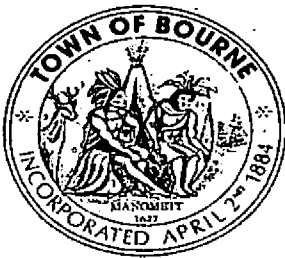
Time

6:30 p.m.

Location

Bourne Town Hall
Lower Conference Room
24 Perry Avenue
Buzzards Bay

Meeting Repairs on Private Way Cheryl Lane



Board of Selectmen Meeting Notice AGENDA



6:15 - EXECUTIVE SESSION – LIUNA CONTRACTS – LITIGATION

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday April 17, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : 4.3.12 – 4.3.12 (executive)

5. Correspondence

6. Signing of the Bond Anticipation Note notes and Clerk's Certificate for Bournedale School

7. Town Financial Policies – Third reading and adoption

8. Licenses/Appointments:

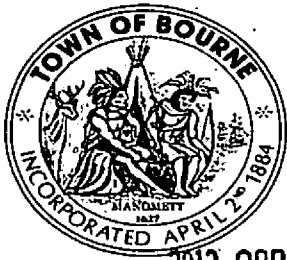
- a. 7:30 p.m. – Hearing T.J.'s Bar & Grille – liquor violation
- b. 7:45 p.m. – Hearing Monument Beach Wine & Spirits, Inc. – transfer in ownership
- c. 8:00 p.m. - Gas Storage Hearing – Jean Maier
- d. MMA - One Day Liquors [11]
- e. Bourne Taxi – Public Livery License
- f. Weary Travelers Club
- g. Sandy's Restaurant – continuation – extension of premises
- h. Capital Outlay Committee appointment

2012 APR 12 PM 3 29
TOWN CLERK'S OFFICE
BOURNE, MASS

9. Town Administrator Report
 - a. Council On Aging Director

10. Selectmen's business
 - a. Signing of warrant for annual and special town meetings
 - b. Establish Designer Selection process for DPW Building Committee

11. Adjourn



Board of Selectmen Meeting Notice



2012 APR 12 PM 3 29 Joint Meeting

TOWN CLERK'S OFFICE,
BOURNE, MASS

Agenda Pre-Town Meeting

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday April 17, 2012, 2012	10:00 a.m.	Bourne Town Hall Lower Conference Room 24 Perry Avenue, Buzzards Bay

Joint Meeting with Finance Committee, Board of Selectmen, Town Clerk, Finance Director, Moderator, Town Counsel & Town Administrator to review and make recommendations for the Special and Annual Town Meeting on May 7, 2012.

Board of Selectmen
Minutes of April 17, 2012
Bourne Community Building
Bourne, MA 02532

2012 MAY 3 AM 8 46
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Guests: Linda Marzelli, Financial Director

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Baldwin MOVED and SECONDED by Meier to go into Executive Session to discuss LIUNA Contracts and litigation and to reconvene into public session. Roll Call – Ford – yes; Baldwin – yes; Meier – yes; Pickard – yes.

Meeting called to order

7:00 pm by Chm. Pickard

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

Moment of Silence/Salute the Flag

Public Comment

Donna Deitsch, Buzzards Bay, of Wednesday Night (Buzzards Bay AA) requesting fees to be reduced. TA Guerino responded to an email of last week relative to the fee structures. He discussed with Building Director Lisa LaPlante. Special meetings using the kitchen fee can be waived; the room fee cannot be waived. TA Guerino will follow up with Ms. Deitsch.

Approval of minutes – Executive Session minutes of 4/3/12 and regular meeting minutes of 4/3/12

Meier MOVED and SECONDED by Ford to approve minutes of Executive Session minutes of 4/17/12 as amended. VOTE 4-0.

Baldwin MOVED and SECONDED by Ford to approve minutes of 4/3/12 as submitted. VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Signing of the Bond

Anticipation Note and Clerk's Certificate for Bournedale School

Ford MOVED and SECONDED by Meier to accept and authorize Bond Anticipation Note as presented by the Finance Director with Century Bank. VOTE 4-0.

Town Financial Policies – third reading and adoption

Meier MOVED and SECONDED by Baldwin to adopt Town Financial Policies as presented by the Finance Director and third reading. VOTE 4-0.

Licenses/Appointments/Easements

a. Hearing T.J.'s Bar & Grille – liquor violation

Selectmen opened envelopes at this time containing information with regard to said liquor violation. Chm. Pickard opened the public hearing and stated hearing was coming from TA Guerino's office and read letter sent to Ms. Judy Tubbs with regard to violation dated 3/17/12. A copy of said letter went to the ABC; James Curtin, III of Cape Pine Road; and Lauren Hawkenberry on Lafette Avenue. Chm. Pickard swore in all parties.

Police Lt. Silvestro took testimony of both Officers MacDougall and Desrosiers of incident that occurred at T.J.'s Bar & Grille. Officer MacDougall was questioned first.

Officer MacDougall responded to a call that came in at T.J.'s

Grille & Bar and observed a male named James Curtin actively vomiting. He was sitting in a vehicle with his feet on the parking lot with a pile of vomit on the ground in front of him. Officer MacDougall formed the opinion that Mr. Curtin was intoxicated. He then notified Bourne paramedics for an evaluation as Mr. Curtin could possibly be a danger to himself. Officer MacDougall questioned Mr. Curtin and was told he was drinking prior to T.J.'s. While at T.J.'s, Mr. Curtin had approximately 4-5 beers. Mr. Curtin told Officer MacDougall he was "drunk and the mixing of beer with tequila had made him ill." Mr. Curtin refused any medical treatment, and was allowed to make arrangements to be driven home and his girlfriend took custody of him. Mr. Curtin's girlfriend arrived a short time later. Officer MacDougall spoke to the bartender on duty, Lauren Hockenberry, who was the only bartender tending at that time. T.J.'s manager Ms. Tubbs not at the bar area at the time of Officer MacDougall's arrival. He stated there was also kitchen help in attendance.

Officer MacDougall said Ms. Hawkins recalls serving Mr. Curtin three-to-four 16-oz draft beers. Ms. Hawkins believed Mr. Curtin arrived at approximately 2:00 pm and cashed out at 3:10 pm for a total of an hour and a half. This cash out time was confirmed by the pre-printed receipt. Officer MacDougall did not obtain a copy of said receipt as Ms. Hawkins didn't know how to print it out. After speaking with Ms. Hawkins, Officer MacDougall left the building and

responded and spoke with Ms. Tubbs at her hotel. Officer MacDougall has been a police officer for several years and is familiar with drunk people. He stated Mr. Curtin was "very drunk."

Ford – as if there were video cameras in the bar area inside T.J.'s. Officer MacDougall said he was not aware of any and didn't ask the condition of Mr. Curtin at the time he was being served alcohol.

Lt. Silvestro said Mr. Curtin was subpoenaed and was not present tonight for the liquor hearing.

Officer Desrosiers also responded to a call to T.J.'s Grille & Bar of a reported violently ill person. He observed a person seated in the driver's seat of a car with his feet on the pavement with vomit on the pavement at his feet. A Bourne ambulance was present. As Officer Desrosiers approached Mr. Curtin, he formed the opinion that he was "extremely drunk and having a strong alcoholic odor." Mr. Curtin was unsteady on his feet. Officer Desrosiers has been a police officer and is familiar with drunk people. He stated Mr. Curtin was "extremely drunk." Officer Desrosiers observed Miles Tubbs, the son of manager Ms. Tubbs, in the T.J.'s parking lot who walked by and said "This is great for (expletive) business."

Ford – reiterated that Officer Desrosiers questioned Mr. Curtin and did not wish to be transported to the hospital. Officer Desrosiers said Mr. Curtin could stand on his own.

At this time, manager of T.J.'s Bar & Grille Ms. Tubbs questioned Officer MacDougall. She stated she has a very good relationship with the Police Department and it is hard to ask questions she has tonight.

Officer MacDougall interviewed Mr. Curtin the night of the call to T.J.'s Grille & Bar and spoke with Ms. Tubbs the next day to sum up loose ends.

Officer MacDougall did not check for empty bottles in Mr. Curtin's vehicle as he didn't have reason for search. He conducted a plain view search. Officer MacDougall was called to T.J.'s at 6:35 pm. He was told Mr. Curtin left T.J.'s around 4:00 pm. Ms. Hockenberry told Officer MacDougall that Mr. Curtin had between 3-4 beers and confirmed by adding numbers it was a total of 5 beers total.

Ford – questioned if 5 beers were on the slip where time was estimated between 2:00 pm – 3:10 pm when he paid bill.

Pickard – at this time asked if anyone wanted to call a person as a witness and to make a statement.

Ms. Tubbs - Lauren Hawkinberry is not the bartender. The bartender tending was Lisa Gino at the time the party was served; Lisa Primo came on at 5:00 pm.

Ms. Biagiotti was called as a witness by Ms. Tubbs at this time. A copy of said receipt was given to Ms. Tubbs; copies of Ms. Biagiotti's testimony was handed to the Selectmen. Ms. Biagiotti

read her testimony into record. Mr. Curtin was at T.J.'s with a party of three other people. She noticed Mr. Curtin appeared intoxicated and left shortly after 3:00 pm and then saw him again at 6:00 pm.

Ford – asked how Ms. Biagiotti knew Mr. Curtin left the premises and came back. Ms. Biagiotti said she assumed. Ms. Tubbs said video cameras inside are inoperable.

Ms. Biagiotti said she saw Mr. Curtin leave T.J.'s shortly after 3:00 pm and was not sure of time, but knew he was in the parking lot. She was busy at the time but being a manager she tends to pay attention to details and noticed Mr. Curtin was not staggering at the time. All employees are TIPS. The round on the said receipt was the last round to the table which included three Blue Moon beers, a Bicardi drink and a Budweiser beer.

Pickard – asked and was told there were four men at the bar in the party who paid in full for each round. Chm. Pickard said this is not accurate account of all consumption, but rather the last round. Ms. Biagiotti said she served Mr. Curtin between 3-4 Blue Moon beers.

In Ms. Tubbs' statement, she said she takes her patrons safety seriously. She has been in business since 1999 and customers have made it home at night. Employees are told customers' safety is of the utmost priority. Ms. Biagiotti told Ms. Tubbs she had served 3-4 Blue Moon beers to Mr. Curtin. The four men in the party paid for each round and that is why she noticed when Mr. Curtin left. Mr. Curtin was seen outside sitting in a vehicle for at least 2 ½ hours; she doesn't know if he took anything while in his vehicle and was left by friends. The four men in the party did not appear intoxicated. If her employee noticed Mr. Curtin was intoxicated, he would not be allowed to leave in that condition.

Ford – asked about the tequila drinks. Ms. Tubb said the tequila wasn't given at T.J.'s; if the employees observe a patron to be intoxicated, they are not allowed into the establishment.

Chm. Pickard asked Lt. Silvestro if there were any closing remarks. Officer MacDougall said Ms. Tubbs called the next day for clarification of events that occurred that night. Officer MacDougall said Mr. Curtin told him drinking tequila prior to coming to the bar and drinking the beer at T.J.'s "put him over the edge," making him drunk and violently ill.

Ford – asked what items were clarified. Officer MacDougall said Ms. Tubbs wanted it to be made known that she didn't see him leave for 45 minutes and wanted to clarify if another round served after his absence.

Ford – if had cameras, that would be her defense against this case and recommends working cameras in the future.

Chm. Pickard – told Ms. Tubbs she has the right to appeal under the Massachusetts General Laws Chapter 138, Section 67.

Meier MOVED and SECONDED by Ford to close hearing at 8:00 pm. VOTE 4-0.

Discussion

Baldwin – Mr. Curtin was seen at 6:30 pm in the parking lot and can only assume what he was doing. Four beers in an hour and a half is excessive.

Meier – he said he will listen and use common sense being his first hearing.

Ford – mentioned the 2-hour period of not knowing the whereabouts of Mr. Curtin.

Chm. Pickard – by admission of employee present, Mr. Curtin was served 4 beers and there is the possibility someone else having served Mr. Curtin, but is excessive for 1 ½ hours.

Meier – asked if this is the first violation. No violation on record said TA Guerino. In the past, any action the Board can act upon is to suspend the liquor license and what is proposed by the MMA.

Chm. Pickard – Ms. Biagotti is manager and all employees are TIPS are trained. The Police Chief is put on the list to look into employees being TIPS trained in the future. He believe offense warrants a suspension.

Baldwin MOVED and SECONDED by Meier to vote a one-day suspension on 4/27/12 of the all alcoholic license of TJ's Grille & Bar LLC. VOTE 4-0. *Ford – Ms. Tubbs to turn in license by midnight on 4/26/12. TA Guerino added the restaurant can remain open during said suspension.*

Meier recuses himself for the rest of the evening due to a prior commitment.

b. Hearing Monument Beach Wine & Spiritis, Inc. – transfer of ownership

Ford MOVED and SECONDED by Baldwin to open hearing of Monument Beach Wine & Spirits at 8:10 pm. UNANIMOUS VOTE.

Chm. Pickard read into record hearing of Monument Beach Wine & Spirits, Inc. newspaper advertisement.

Rob Chamberlain for transferee. He said the expansion was less than enthusiastically received when last before the Board. Before the Board is an amended petition; he worked with the landlord and now seeks only the transfer of the existing store as is. He respectfully requests the Board grant the transfer.

Landlord, existing owner and manager of the store are present for hearing tonight.

Chm. Pickard – no abutter notifications needed. Applicant has the right to appeal under Section 138 to the ABC if the Board does not approve transfer.

Ford – said he supported the prior change, but had asked if the sale depended on the expansion. It was unfortunate it did not go as planned but is happy applicant has a change of heart.

Mr. Chamberlain said statement was accurate.

Ford MOVED and SECONDED by Baldwin to close hearing. UNANIMOUS VOTE.

Discussion

Baldwin – has no issues.

No further Board comments.

Ford MOVED and SECONDED by Baldwin to approve year-round change in management as outlined in the routing slip; and paperwork from the ABC; and to transfer ownership to Bourne Liquors, Inc. to Luke's Liquors with Michael Patterson as Change of Manager. UNANIMOUS VOTE.

c. Gas Storage Hearing – Jean Maier

Ford MOVED and SECONDED by Baldwin to open hearing for Gasoline storage at 80 Cranberry Highway. UNANIMOUS VOTE.

Chm. Pickard – opened hearing, Jean Maier application received to install two (2) underground storage tanks for gasoline – a 10,000 gallon tank; and a 30,000 gallon tank at 80 Cranberry Highway.

Atty. Michael Ford for applicant Jean Maier present. Applicant obtained certified copies of abutters list and was given to TA Guerino; including legal ad in Cape Cod Times. All abutter cards came back. Atty. Ford also represents the holder of the permit for construction of a gas station that has a purchase and sale agreement to purchase the property. A copy of the special permit of site approval is included in documentation.

Bill Taber, site engineer from VHB also present.

Deputy Fire Chief approved applications and were sent to the TA Guerino's office.

Baldwin – asked how far the gas station will be from Adams Street. As indicated on the map, it is further down the road.

Mr. Tabor – proposing 4 dispenser fueling facility consisting of two (2) tanks for regular and premium gas; mid-grade is at dispensers. There will be two (2) double walled fiberglass tanks; in between the tanks is a brine-filled solution for monitoring tanks 24/7. Alarm is in the store; all sumps around tanks; spill buckets. There will be no net loss of vapors to the atmosphere. Cameras are at each dispensing location; emergency switch at attendant's station; fire alarm with attendant for issues; fire suppression system over entire fueling area. Over-fill protection valves; leak detectors; shear valves; oil/water separator for storm water run off and other environmental safety features.

Atty. Chamberlain said the next step would be to get Fire Department approval and State Fire Marshall approval moving forward.

Chm. Pickard – added the application has Planning Board approval and the Fire Chief signed off the routing slip.

Baldwin MOVED and SECONDED by Ford to close hearing. UNANIMOUS VOTE.

Baldwin MOVED and SECONDED by Ford approve underground storage tanks totaling 40,000 gallons for Jean Maier at 80 Cranberry Highway. UNANIMOUS VOTE.

d. MMA – One Day Liquor

Meier MOVED and SECONDED by Ford to approve MMA request for two one-day liquor license on 5/23/12 and 9/14/12 for a Reception and a Gala respectively; in addition, nine (9) one-day all alcoholic licenses on: 4/20/12 from 12:00 pm - 5:00 pm; 4/26/12 from 5:00 pm – 10:00 pm; 5/1/12 from 5:30 pm – 10:30 pm; 5/16/12 from 4:00 pm – 10:00 pm; 6/2/12 from 5:00 pm – 10:00 pm; 8/3/12 from 6:00 pm – 10:00 pm; 8/11/12 from 5:00 pm – 10:30 pm; 9/22/12 from 5:00 pm – 10:30 pm; and 10/13/12 from 3:00 pm – 8:00 pm per routing slip. VOTE 4-0.

e. Bourne Taxi – public livery license

Meier MOVED and SECONDED by Baldwin to approve Bourne Taxi request for additional public livery license 2009 Dodge Caravan per routing slip. VOTE 4-0.

f. Weary Travelers Club

David Robinson, Manager. Taxes haven't been paid previously by predecessor. License was approved today, paid first down payment made on payment plan and three subsequent payments to be cleared up by 7/17/12. Mr. Roger Murphy has no issues with liquor license and will release Mr. Robinson's name in July. Mr. Robinson will drop paperwork at the TA office for the file. The Weary Traveler's Club will be put on a future agenda item close to 7/17/12 to name Mr. Robinson as manager on license.

g. Sandy's Restaurant – continuation

Ford MOVED Baldwin to open hearing. UNANIMOUS VOTE.

Ford - hearing was tabled pending site plan approval by Planning Board. The Board has a 30-day period to act and have to move upon tonight. In the future, Ford request to have all paperwork at the time of hearing. Chm. Pickard requested on certain licenses have whether or negative or positive motions to move forward.

Chm. Pickard read into liquor license hearing advertisement in the newspaper. Applicant looking to amend license to include a 20'x73' patio for outside dining.

Judy Tubbs, applicant present tonight.

Chm. Pickard - any vote vote tonight is pending Planning Board approval. TA Guerino handed out Sales by Product Category document – 1 page dated 4/3/12; and restaurant menu – 1 sheet.

Ms. Tubbs said she is not increasing seating; there is already ample parking needed for said patio.

Ford MOVED and SECONDED by Baldwin to close hearing. UNANIMOUS VOTE.

Ford MOVED and SECONDED by Baldwin approve Sandy's Restaurant request under Judy Tubbs, Manager, of the addition of a 20'x73' for outdoor dining per complete application on file at TA office pending Planning Board special permit approval. UNANIMOUS VOTE.

h. Capital Outlay Committee appointment

Meier MOVED and SECONDED by Baldwin to appoint Rich Mastria to the Capital Outlay Committee for a term to expire 6/30/14. VOTE 4-0.

Town Administrator Report

a. Council on Aging Director

TA Guerino appointed Ms. Grace Nadeau and has accepted a position as Council on Aging Director in Bourne. He briefly reviewed her credentials. Hiring Committee consisted of TA Guerino, Director of Human Resources, Mr. Thompson, Estelle Blake and Interim Director Lois Carr voted unanimous in choosing Ms. Nadeau.

TA Guerino will use Selectmen stamps for signatures with tonight's livery and liquor licenses.

Continuing on contracts. All contractual language has been agreed to in negotiations will be in the budget at the time of Town Meeting.

Selectmen's business

a. Signing of warrant for annual and special town meetings

Ford – pleased with the Pre-Town Meeting.

Ford MOVED and SECONDED by Baldwin to approve Special Town Meeting and Annual Town Meeting Warrants on 5/7/12. UNANIMOUS VOTE.

b. Establish Designer Selection process for DPW Building Committee

Ford MOVED and SECONDED by Baldwin to Design build-out option and asking to appoint the current Public Works Design Building Committee to keep at current pace. VOTE 4-0.

Ford – met with Executive Officer of Public Safety on 4/11/12 for 100th anniversary in 2014. Several events will be held that last week in July 2014. Traffic will be main concern and coordinating with State Police, State Marine Division and the Coast Guard in getting help with offsetting some of the costs. This is a three-town event (Sandwich, Bourne and Wareham) working together; Wastewater concerns of County government will be a future agenda; Attended Pre-Town Meeting; Town Meeting will be 5/7/12 @ 7:00 pm and encouraged people to attend and come early.

TA Guerino added every year try to get warrant out quicker and seems to finish around the same time. Ms. Sundman to be commended for getting Handbook prepared.

Baldwin – Kickoff of the 100th Anniversary for the Canal will be Father's Day weekend this year.

Chm. Pickard – attended meeting with the School Committee Chairman and State Senate President Therese Murray to discuss Town of Bourne pothole money to supplement funds we have received to assist in education process of parents who are assigned on the AFNB; Attended meeting at the base on the Brach closures – MMR Homeland Security Coalition, Steering Committee as Pickard being a representative discussing the economic impact by losing positions at the military base; TA Guerino evaluation to be done in May, the new contract states December. *Ford - contract states review this fiscal year; TA in discussions with his attorney; Ford – evaluation to be done before town elections.*

Adjournment

Baldwin MOVED and SECONDED by Ford to adjourn meeting. Meeting adjourned at 9:00 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

Board of Selectmen
Minutes of April 17, 2012
Bourne Community Building
Bourne, MA 02532

2012 MAY 3 AM 8 46
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Guests: Linda Marzelli, Financial Director

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Baldwin MOVED and SECONDED by Meier to go into Executive Session to discuss LIUNA Contracts and litigation and to reconvene into public session. Roll Call – Ford – yes; Baldwin – yes; Meier – yes; Pickard – yes.

Meeting called to order

7:00 pm by Chm. Pickard

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

Moment of Silence/Salute the Flag

Public Comment

Donna Deitsch, Buzzards Bay, of Wednesday Night (Buzzards Bay AA) requesting fees to be reduced. TA Guerino responded to an email of last week relative to the fee structures. He discussed with Building Director Lisa LaPlante. Special meetings using the kitchen fee can be waived; the room fee cannot be waive. TA Guerino will follow up with Ms. Deitsch.

Approval of minutes – Executive Session minutes of 4/3/12 and regular meeting minutes of 4/3/12

Meier MOVED and SECONDED by Ford to approve minutes of Executive Session minutes of 4/17/12 as amended. VOTE 4-0.

Baldwin MOVED and SECONDED by Ford to approve minutes of 4/3/12 as submitted. VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Signing of the Bond

Anticipation Note and Clerk's Certificate for Bournedale School

Ford MOVED and SECONDED by Meier to accept and authorize Bond Anticipation Note as presented by the Finance Director with Century Bank. VOTE 4-0.

Town Financial Policies – third reading and adoption

Meier MOVED and SECONDED by Baldwin to adopt Town Financial Policies as presented by the Finance Director and third reading. VOTE 4-0.

Licenses/Appointments/Easements

a. Hearing T.J.'s Bar & Grille – liquor violation

Selectmen opened envelopes at this time containing information with regard to said liquor violation. Chm. Pickard opened the public hearing and stated hearing was coming from TA Guerino's office and read letter sent to Ms. Judy Tubbs with regard to violation dated 3/17/12. A copy of said letter went to the ABC; James Curtin, III of Cape Pine Road; and Lauren Hawkenberry on Lafette Avenue. Chm. Pickard swore in all parties.

Police Lt. Silvestro took testimony of both Officers MacDougall and Desrosiers of incident that occurred at T.J.'s Bar & Grille. Officer MacDougall was questioned first.

Officer MacDougall responded to a call that came in at T.J.'s

Grille & Bar and observed a male named James Curtin actively vomiting. He was sitting in a vehicle with his feet on the parking lot with a pile of vomit on the ground in front of him. Officer MacDougall formed the opinion that Mr. Curtin was intoxicated. He then notified Bourne paramedics for an evaluation as Mr. Curtin could possibly be a danger to himself. Officer MacDougall questioned Mr. Curtin and was told he was drinking prior to T.J.'s. While at T.J.'s, Mr. Curtin had approximately 4-5 beers. Mr. Curtin told Officer MacDougall he was "drunk and the mixing of beer with tequila had made him ill." Mr. Curtin refused any medical treatment, and was allowed to make arrangements to be driven home and his girlfriend took custody of him. Mr. Curtin's girlfriend arrived a short time later. Officer MacDougall spoke to the bartender on duty, Lauren Hockenberry, who was the only bartender tending at that time. T.J.'s manager Ms. Tubbs not at the bar area at the time of Officer MacDougall's arrival. He stated there was also kitchen help in attendance.

Officer MacDougall said Ms. Hawkins recalls serving Mr. Curtin three-to-four 16-oz draft beers. Ms. Hawkins believed Mr. Curtin arrived at approximately 2:00 pm and cashed out at 3:10 pm for a total of an hour and a half. This cash out time was confirmed by the pre-printed receipt. Officer MacDougall did not obtain a copy of said receipt as Ms. Hawkins didn't know how to print it out. After speaking with Ms. Hawkins, Officer MacDougall left the building and

responded and spoke with Ms. Tubbs at her hotel. Officer MacDougall has been a police officer for several years and is familiar with drunk people. He stated Mr. Curtin was "very drunk."

Ford – as if there were video cameras in the bar area inside T.J.'s. Officer MacDougall said he was not aware of any and didn't ask the condition of Mr. Curtin at the time he was being served alcohol.

Lt. Silvestro said Mr. Curtin was subpoenaed and was not present tonight for the liquor hearing.

Officer Desrosiers also responded to a call to T.J.'s Grille & Bar of a reported violently ill person. He observed a person seated in the driver's seat of a car with his feet on the pavement with vomit on the pavement at his feet. A Bourne ambulance was present. As Officer Desrosiers approached Mr. Curtin, he formed the opinion that he was "extremely drunk and having a strong alcoholic odor." Mr. Curtin was unsteady on his feet. Officer Desrosiers has been a police officer and is familiar with drunk people. He stated Mr. Curtin was "extremely drunk." Officer Desrosiers observed Miles Tubbs, the son of manager Ms. Tubbs, in the T.J.'s parking lot who walked by and said "This is great for (expletive) business."

Ford – reiterated that Officer Desrosiers questioned Mr. Curtin and did not wish to be transported to the hospital. Officer Desrosiers said Mr. Curtin could stand on his own. At this time, manager of T.J.'s Bar & Grille Ms. Tubbs questioned Officer MacDougall. She stated she has a very good relationship with the Police Department and it is hard to ask questions she has tonight.

Officer MacDougall interviewed Mr. Curtin the night of the call to T.J.'s Grille & Bar and spoke with Ms. Tubbs the next day to sum up loose ends.

Officer MacDougall did not check for empty bottles in Mr. Curtin's vehicle as he didn't have reason for search. He conducted a plain view search. Officer MacDougall was called to T.J.'s at 6:35 pm. He was told Mr. Curtin left T.J.'s around 4:00 pm. Ms. Hockenberry told Officer MacDougall that Mr. Curtin had between 3-4 beers and confirmed by adding numbers it was a total of 5 beers total.

Ford – questioned if 5 beers were on the slip where time was estimated between 2:00 pm – 3:10 pm when he paid bill.

Pickard – at this time asked if anyone wanted to call a person as a witness and to make a statement.

Ms. Tubbs - Lauren Hawkinberry is not the bartender. The bartender tending was Lisa Gino at the time the party was served; Lisa Primo came on at 5:00 pm.

Ms. Biagiotti was called as a witness by Ms. Tubbs at this time. A copy of said receipt was given to Ms. Tubbs; copies of Ms. Biagiotti's testimony was handed to the Selectmen. Ms. Biagiotti

read her testimony into record. Mr. Curtin was at T.J.'s with a party of three other people. She noticed Mr. Curtin appeared intoxicated and left shortly after 3:00 pm and then saw him again at 6:00 pm.

Ford – asked how Ms. Biagiotti knew Mr. Curtin left the premises and came back. Ms. Biagiotti said she assumed. Ms. Tubbs said video cameras inside are inoperable.

Ms. Biagiotti said she saw Mr. Curtin leave T.J.'s shortly after 3:00 pm and was not sure of time, but knew he was in the parking lot. She was busy at the time but being a manager she tends to pay attention to details and noticed Mr. Curtin was not staggering at the time. All employees are TIPS. The round on the said receipt was the last round to the table which included three Blue Moon beers, a Bicardi drink and a Budweiser beer.

Pickard – asked and was told there were four men at the bar in the party who paid in full for each round. Chm. Pickard said this is not accurate account of all consumption, but rather the last round. Ms. Biagiotti said she served Mr. Curtin between 3-4 Blue Moon beers.

In Ms. Tubbs' statement, she said she takes her patrons safety seriously. She has been in business since 1999 and customers have made it home at night. Employees are told customers' safety is of the utmost priority. Ms. Biagiotti told Ms. Tubbs she had served 3-4 Blue Moon beers to Mr. Curtin. The four men in the party paid for each round and that is why she noticed when Mr. Curtin left. Mr. Curtin was seen outside sitting in a vehicle for at least 2 ½ hours; she doesn't know if he took anything while in his vehicle and was left by friends. The four men in the party did not appear intoxicated. If her employee noticed Mr. Curtin was intoxicated, he would not be allowed to leave in that condition.

Ford – asked about the tequila drinks. Ms. Tubbs said the tequila wasn't given at T.J.'s; if the employees observe a patron to be intoxicated, they are not allowed into the establishment.

Chm. Pickard asked Lt. Silvestro if there were any closing remarks. Officer MacDougall said Ms. Tubbs called the next day for clarification of events that occurred that night. Officer MacDougall said Mr. Curtin told him drinking tequila prior to coming to the bar and drinking the beer at T.J.'s "put him over the edge," making him drunk and violently ill.

Ford – asked what items were clarified. Officer MacDougall said Ms. Tubbs wanted it to be made known that she didn't see him leave for 45 minutes and wanted to clarify if another round served after his absence.

Ford – if had cameras, that would be her defense against this case and recommends working cameras in the future.

Chm. Pickard – told Ms. Tubbs she has the right to appeal under the Massachusetts General Laws Chapter 138, Section 67.

Meier MOVED and SECONDED by Ford to close hearing at 8:00 pm. VOTE 4-0.

Discussion

Baldwin – Mr. Curtin was seen at 6:30 pm in the parking lot and can only assume what he was doing. Four beers in an hour and a half is excessive.

Meier – he said he will listen and use common sense being his first hearing.

Ford – mentioned the 2-hour period of not knowing the whereabouts of Mr. Curtin.

Chm. Pickard – by admission of employee present, Mr. Curtin was served 4 beers and there is the possibility someone else having served Mr. Curtin, but is excessive for 1 ½ hours.

Meier – asked if this is the first violation. No violation on record said TA Guerino. In the past, any action the Board can act upon is to suspend the liquor license and what is proposed by the MMA.

Chm. Pickard – Ms. Biagotti is manager and all employees are TIPS are trained. The Police Chief is put on the list to look into employees being TIPS trained in the future. He believe offense warrants a suspension.

Baldwin MOVED and SECONDED by Meier to vote a one-day suspension on 4/27/12 of the all alcoholic license of TJ's Grille & Bar LLC. VOTE 4-0. *Ford – Ms. Tubbs to turn in license by midnight on 4/26/12. TA Guerino added the restaurant can remain open during said suspension.*

Meier recuses himself for the rest of the evening due to a prior commitment.

b. Hearing Monument Beach Wine & Spiritis, Inc. – transfer of ownership

Ford MOVED and SECONDED by Baldwin to open hearing of Monument Beach Wine & Spirits at 8:10 pm. UNANIMOUS VOTE.

Chm. Pickard read into record hearing of Monument Beach Wine & Spirits, Inc. newspaper advertisement.

Rob Chamberlain for transferee. He said the expansion was less than enthusiastically received when last before the Board. Before the Board is an amended petition; he worked with the landlord and now seeks only the transfer of the existing store as is. He respectfully requests the Board grant the transfer.

Landlord, existing owner and manager of the store are present for hearing tonight.

Chm. Pickard – no abutter notifications needed. Applicant has the right to appeal under Section 138 to the ABC if the Board does not approve transfer.

Ford – said he supported the prior change, but had asked if the sale depended on the expansion. It was unfortunate it did not go as planned but is happy applicant has a change of heart.

Mr. Chamberlain said statement was accurate.

Ford MOVED and SECONDED by Baldwin to close hearing. UNANIMOUS VOTE.

Discussion

Baldwin – has no issues.

No further Board comments.

Ford MOVED and SECONDED by Baldwin to approve year-round change in management as outlined in the routing slip; and paperwork from the ABC; and to transfer ownership to Bourne Liquors, Inc. to Luke's Liquors with Michael Patterson as Change of Manager. UNANIMOUS VOTE.

c. Gas Storage Hearing – Jean Maier

Ford MOVED and SECONDED by Baldwin to open hearing for Gasoline storage at 80 Cranberry Highway. UNANIMOUS VOTE.

Chm. Pickard – opened hearing, Jean Maier application received to install two (2) underground storage tanks for gasoline – a 10,000 gallon tank; and a 30,000 gallon tank at 80 Cranberry Highway.

Atty. Michael Ford for applicant Jean Maier present. Applicant obtained certified copies of abutters list and was given to TA Guerino; including legal ad in Cape Cod Times. All abutter cards came back. Atty. Ford also represents the holder of the permit for construction of a gas station that has a purchase and sale agreement to purchase the property. A copy of the special permit of site approval is included in documentation.

Bill Taber, site engineer from VHB also present.

Deputy Fire Chief approved applications and were sent to the TA Guerino's office.

Baldwin – asked how far the gas station will be from Adams Street. As indicated on the map, it is further down the road.

Mr. Tabor – proposing 4 dispenser fueling facility consisting of two (2) tanks for regular and premium gas; mid-grade is at dispensers. There will be two (2) double walled fiberglass tanks; in between the tanks is a brine-filled solution for monitoring tanks 24/7. Alarm is in the store; all sumps around tanks; spill buckets. There will be no net loss of vapors to the atmosphere. Cameras are at each dispensing location; emergency switch at attendant's station; fire alarm with attendant for issues; fire suppression system over entire fueling area. Over-fill protection valves; leak detectors; shear valves; oil/water separator for storm water run off and other environmental safety features.

Atty. Chamberlain said the next step would be to get Fire Department approval and State Fire Marshall approval moving forward.

Chm. Pickard – added the application has Planning Board approval and the Fire Chief signed off the routing slip.

Baldwin MOVED and SECONDED by Ford to close hearing. UNANIMOUS VOTE.

Baldwin MOVED and SECONDED by Ford approve underground storage tanks totaling 40,000 gallons for Jean Maier at 80 Cranberry Highway. UNANIMOUS VOTE.

d. MMA – One Day Liquor

Meier MOVED and SECONDED by Ford to approve MMA request for two one-day liquor license on 5/23/12 and 9/14/12 for a Reception and a Gala respectively; in addition, nine (9) one-day all alcoholic licenses on: 4/20/12 from 12:00 pm - 5:00 pm; 4/26/12 from 5:00 pm – 10:00 pm; 5/1/12 from 5:30 pm – 10:30 pm; 5/16/12 from 4:00 pm – 10:00 pm; 6/2/12 from 5:00 pm – 10:00 pm; 8/3/12 from 6:00 pm – 10:00 pm; 8/11/12 from 5:00 pm – 10:30 pm; 9/22/12 from 5:00 pm – 10:30 pm; and 10/13/12 from 3:00 pm – 8:00 pm per routing slip. VOTE 4-0.

e. Bourne Taxi – public livery license

Meier MOVED and SECONDED by Baldwin to approve Bourne Taxi request for additional public livery license 2009 Dodge Caravan per routing slip. VOTE 4-0.

f. Weary Travelers Club

David Robinson, Manager. Taxes haven't been paid previously by predecessor. License was approved today, paid first down payment made on payment plan and three subsequent payments to be cleared up by 7/17/12. Mr. Roger Murphy has no issues with liquor license and will release Mr. Robinson's name in July. Mr. Robinson will drop paperwork at the TA office for the file. The Weary Traveler's Club will be put on a future agenda item close to 7/17/12 to name Mr. Robinson as manager on license.

g. Sandy's Restaurant – continuation

Ford MOVED Baldwin to open hearing. UNANIMOUS VOTE.

Ford - hearing was tabled pending site plan approval by Planning Board. The Board has a 30-day period to act and have to move upon tonight. In the future, Ford request to have all paperwork at the time of hearing. Chm. Pickard requested on certain licenses have whether or negative or positive motions to move forward.

Chm. Pickard read into liquor license hearing advertisement in the newspaper. Applicant looking to amend license to include a 20'x73' patio for outside dining.

Judy Tubbs, applicant present tonight.

Chm. Pickard - any vote vote tonight is pending Planning Board approval. TA Guerino handed out Sales by Product Category document – 1 page dated 4/3/12; and restaurant menu – 1 sheet.

Ms. Tubbs said she is not increasing seating; there is already ample parking needed for said patio.

Ford MOVED and SECONDED by Baldwin to close hearing. UNANIMOUS VOTE.

Ford MOVED and SECONDED by Baldwin approve Sandy's Restaurant request under Judy Tubbs, Manager, of the addition of a 20'x73' for outdoor dining per complete application on file at TA office pending Planning Board special permit approval. UNANIMOUS VOTE.

h. Capital Outlay Committee appointment

Meier MOVED and SECONDED by Baldwin to appoint Rich Mastria to the Capital Outlay Committee for a term to expire 6/30/14. VOTE 4-0.

Town Administrator Report

a. Council on Aging Director

TA Guerino appointed Ms. Grace Nadeau and has accepted a position as Council on Aging Director in Bourne. He briefly reviewed her credentials. Hiring Committee consisted of TA Guerino, Director of Human Resources, Mr. Thompson, Estelle Blake and Interim Director Lois Carr voted unanimous in choosing Ms. Nadeau.

TA Guerino will use Selectmen stamps for signatures with tonight's livery and liquor licenses.

Continuing on contracts. All contractual language has been agreed to in negotiations will be in the budget at the time of Town Meeting.

Selectmen's business

a. Signing of warrant for annual and special town meetings

Ford – pleased with the Pre-Town Meeting.

Ford MOVED and SECONDED by Baldwin to approve Special Town Meeting and Annual Town Meeting Warrants on 5/7/12. UNANIMOUS VOTE.

b. Establish Designer Selection process for DPW Building Committee

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Ford – met with Executive Officer of Public Safety on 4/11/12 for 100th anniversary in 2014. Several events will be held that last week in July 2014. Traffic will be main concern and coordinating with State Police, State Marine Division and the Coast Guard in getting help with offsetting some of the costs. This is a three-town event (Sandwich, Bourne and Wareham) working together; Wastewater concerns of County government will be a future agenda; Attended Pre-Town Meeting; Town Meeting will be 5/7/12 @ 7:00 pm and encouraged people to attend and come early.

TA Guerino added every year try to get warrant out quicker and seems to finish around the same time. Ms. Sundman to be commended for getting Handbook prepared.

Baldwin – Kickoff of the 100th Anniversary for the Canal will be Father's Day weekend this year.

Chm. Pickard – attended meeting with the School Committee Chairman and State Senate President Therese Murray to discuss Town of Bourne pothole money to supplement funds we have received to assist in education process of parents who are assigned on the AFNB; Attended meeting at the base on the Brach closures – MMR Homeland Security Coalition, Steering Committee as Pickard being a representative discussing the economic impact by losing positions at the military base; TA Guerino evaluation to be done in May, the new contract states December. *Ford - contract states review this fiscal year; TA in discussions with his attorney; Ford – evaluation to be done before town elections.*

Adjournment

Baldwin MOVED and SECONDED by Ford to adjourn meeting. Meeting adjourned at 9:00 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

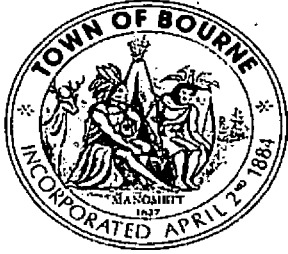
Sullivan, Tracy

From: Judge, Debbie
Sent: Thursday, April 26, 2012 3:17 PM
To: Sullivan, Tracy
Subject: FW: MEETING CANCELLATION

From: Judge, Debbie
Sent: Wednesday, April 25, 2012 12:23 PM
To: All Selectmen
Subject: MEETING CANCELLATION

Due to Bob Troy's opinion and not given the party involved enough notice, the meeting that was scheduled for Thursday, April 26th @ 5PM has been cancelled. The Board has until Tuesday to act on it so it will an agenda item Tuesday agenda.
Deb ☺

2012 APR 26 PM 3 23
TOWN CLERK'S OFFICE
BOURNE, MASS



2012 APR 25 AM 9 39
TOWN CLERK'S OFFICE
Board of Selectmen
Meeting Notice
AGENDA



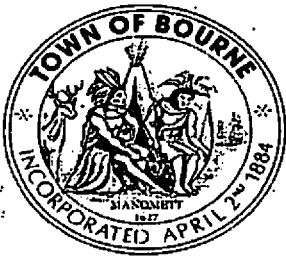
AMEND

<u>Date</u>	<u>Time</u>	<u>Location</u>
Thursday April 26, 2012	5:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

Open Meeting

Executive Session: Non Union Personnel matter

Return to regular meeting to explain Executive Session and possible Vote



Board of Selectmen Meeting Notice AGENDA



Date
Thursday
April 26, 2012

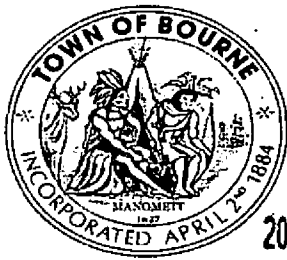
Time
5:00 p.m.

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

EXECUTIVE SESSION

Non-Union Personnel matter

2012 APR 24 PM 4 35
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice



2012 APR 27 PM 4 02

TOWN CLERK **EXECUTIVE SESSION – 6:00**
BOURNE, MASS

Non-union Personnel and Fire Contract negotiations - Litigation

AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday May 1, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : 4.17.12
5. Correspondence
6. Licenses/Appointments:
 - a. Chartwells @ MMA – One Day Liquor
 - b. Weary Travelers Club - reconsideration
 - c. Pledge of License for Lobster Trap Fish Market
 - d. Don Pickard Constable Appointment
7. Vote on Article #6 of the Special Town Meeting - BOS position of Citizen Resolution for Hoxie School Re-use
8. BOS position on Article 35 of the Annual Town Meeting – Rezoning of certain parcels in Bourne Village, Village Business District.

9. (Cape & Vineyard Electric Cooperative) CVEC Alternative energy proposals for solar PV Projects at town buildings and update on Energy Committee (Mr. Richard Elrick and Mr. Paul O'Keefe)

10. Discussion related to Fowl "abatement" in Scraggy Neck area

11. Selectmen's business

- a. Signing of Election Warrant
- b. Waterways –next step
- c. Discussion regarding COA appointment
- d. Correspondence regarding Charter Compliance Committee – request
- e. Taylor's Point parking
- f. T.J.'s Grill & Bar – requesting "stay" on one day license suspension

12. Adjourn

Board of Selectmen
Executive Minutes of May 1, 2012
Bourne Town Hall – Bourne Veterans Memorial Community Building
Bourne, MA 02532

In open session Mr. Ford made a motion to enter executive session for the purposes of Non-union Personnel, Fire Contract negotiations, and litigation. The motion was seconded by Mr. Meier and the Chair proceeded to take a roll call vote. Mr. Ford, Yes – Mr. Pickard, Yes – Mr. Meier – Yes, and Mr. Baldwin – Yes.

Additional attendees

Chief Greene,
HR Director, Thompson

2014 JUN 25 AM 8 17
TOWN CLERK'S OFFICE
BOURNE, MASS

The TA, Fire Chief and HR Director informed the Board that the Fire Union had rejected the contract as presented. Mr. Ford suggested that the Town move to arbitrate and this was agreed to by Chief Green and the TA. The main issue is the "drug language" along with what could be considered minor phrasing. There are some issues related to wage but it is believed that these could easily be worked out. The drug language is the key. It was noted that this language is what the Union had originally offered through the negotiating team. The Full membership has rejected.

MR Meier questioned how long this could go on in Boston. It was estimated that the arbitration could last up to 6 to 9 months.

DOHERTY – The Board was informed that the County has concurred with the Medical panel's recommendation regarding the Doherty disability claim. The case will now move to PERAC. This is similar to the other case involving a former member of the Police Department.

COA Recruitment process – Mr. Pickard questioned how Background checks were done. HR Director indicated through CORI check. He responded that there are many additional methods of background checking that does not cost a lot of money and can provide a much more detailed scenario.

– Yes.

MR. Ford made a motion to adjourn and the motion was seconded by Mr. Meier. Upon a roll call vote the Executive Session was adjourned to reconvene in public session. Ford, Yes – Mr. Pickard, Yes – Mr. Meier – Yes, and Mr. Baldwin.

Meeting adjourned at 6:56 P.M.

Respectfully submitted,

Thomas Guerino

Board of Selectmen
Minutes of May 1, 2012
Bourne Community Building
Bourne, MA 02532

2012 MAY 24 AM 9 59
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- Mr. and Mrs. Michienzi, petitioner, of ATM Article 35 dated 5/1/12– 2 pages
- CVEC PV Solar Round 2 presentation dated 5/1/12 – 11 pages
- Miss Wilson letter with regard to the culture center – 1 page

Ford MOVED and SECONDED by Pickard to open the Board of Selectmen meeting at 6:00 pm.
VOTE 4-0.

Ford MOVED and SECONDED by Meier to go into Executive Session to discuss non-union personnel and Fire Contract negotiations – Litigation and to reconvene into public session. Roll Call: Ford – yes; Baldwin – yes; Meier – yes; Pickard – yes.

Meeting called to order

7:01 pm by Chm. Pickard

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

Moment of Silence/Salute the Flag

Public Comment

None recorded.

Approval of minutes –regular meeting minutes of 4/17/12

Meier MOVED and SECONDED by Ford to approve minutes of 4/17/12 as submitted. VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office. Included in tonight's agenda list is the letter from Mr. Joseph Agrillo of resignation on the School Committee; DEP letter "Conditionally Approved" for Buttermilk Bay, Red Brook & Pocasset Harbor.

Item B – Mr. Conron letter with regard to CPC.

Letter of Resignation of Mr. Agrillo effective 4/30/12 – UCT Superintendent Mr. Dutch raised issue of no town representation for 6 months from resignation to election in November. Selectmen and School Committee have option to not fill the empty position or to post opening and allow public to make the decision. This would be at the discretion of the two bodies jointly.

Chm. Pickard would like to run parallel with the UCT School Committee.

Mr. Joseph Agrillo – is in favor of having town representation.

Ford – The consensus of the Board to have a joint meeting on 5/22/12 with the School Committee. TA Guerino to run ad in the local paper through 5/18/12.

Licenses/Appointments/Easements

a. Chartwells @ MMA – One Day Liquor License

Meier MOVED and SECONDED by Ford to approve Chartwell at MMA request for One Day Liquor License – Wine and Malt on 6/15/12 from 5:00 pm – 11:00 pm per routing slip.
VOTE 4-0.

b. Weary Travelers Club – reconsideration

Meier MOVED and SECONDED by Ford to re-submit and sign Form 43 for Weary Travelers Club reconsideration. VOTE 4-0.

c. Pledge of License for Lobster Trap Fish Market

Meier MOVED and SECONDED by Baldwin to pledge of license for Lobster Trap Fish Market to Rockland Trust Company as collateral in connection with loans granted by Rockland Trust Company to David P. Delancey, Trustee of DPD Realty Trust. VOTE 4-0.

d. Don Pickard Constable Appointment

Chm. Pickard took the podium, stepping down as Chairman.

V. Chm. Ford – asked Mr. Pickard why he is requesting a Constable appointment. Mr. Pickard said he is a Private investigator and has clients that would benefit as him serving as a Constable. He filed a disclosure with regard to a conflict of interest with Mass State Ethics Committee and has clearance.

TA Guerino read Atty. Troy Opinion into record: "... Therefore it is my Opinion as Town Counsel that your current service as Member of the Board of Selectmen does not preclude you from simultaneous service as a Constable."

Chm. Pickard believes this would bring the town up to six (6) Constables.

Meier MOVED and SECONDED by Baldwin to appoint Mr. Don Pickard as Constable for a term to expire 6/30/12. VOTE 3-0.

Vote on Article #6 of the STM – BOS position of Citizen Resolution for Hoxie School Re-use
Moderator will treat as a resolution to use for a cultural resource for Bourne. FinCom voted last night to IP the article.

Chm. Pickard - resolution is in direct conflict with ATM vote to authorize sale of building.

TA Guerino said he believes the petitioners and they would need more time.

Chm. Pickard – letter addressed to Mr. Pickard from Miss Wilson, aged 15, in support of the culture center to be submitted into the correspondence.

Ford – asked TA Guerino amount of money spent from an RFP. TA Guerino responded about a few thousand dollars. Ford's concern is that private petitioners want the town to rebuild.

Baldwin – supports the town vote.

Ford MOVED and SECONDED by Baldwin to concur with the Finance Committee recommendation to IP STM Article 6. VOTE 3-1 (opposition Meier).

BOS position on Article 35 of the ATM – Re-zoning of certain parcels in Bourne Village, Village Business District

Ford – the Planning Board voted 4-4 on said Article.

Mr. George Jenkins, President of the Bourne Society Historic Preservation (BSHP) - has issue with the two lots proposed as spot zoning. This area was the center of the town as it was 100 years. It contains buildings of historic value. The Cody School is being preserved by BSHP. Residents of Cody School will benefit; the medical complex will be very helpful; the bus transportation will be helpful. To change the zoning will change the historical qualities and is opposed to ATM Article 35.

Chm. Pickard – asked Mr. Farrell, Chairman of the Planning Board if this will be spot zoning. Mr. Farrell said after seeking Counsel (not Town Counsel), it is his opinion this Article will not create spot zoning.

Ford – asked Mr. Farrell if he signed the petition to which Mr. Farrell answered yes. Mr. Farrell added that two members of the petition did not disclose themselves as being members of the Historic Preservation.

Chm. Picard – Historic Commission and the Historic Preservation are involved. Skip Barlow, President of Historic Commission said his objection is that this neighborhood is a residential neighborhood. Any re-zoning in this residential, historical area will dispel the historic area even if Mr. Michienzi has no intension of building a building on this lot on Sandwich Road, future owners could re-zone.

Ms. Noreen Michienzi – agrees there is a need to preserve historic part of the area. She offered to move the Keene House back to the Briggs McDermott house. The Manomet House is not part of her plans. The Library is a public building is similar to a business; the Bourne Police Department may be moved into the Cody School. Ms. McKenzie raised issue to Mr. Barlow's comment about the future owners could re-zone and stated she could place restrictions on areas.

Ms. Judith Riordan-McKenzie – this is a zoning issue. She would like to re-state position and essence of the Bourne Historic Society. She feels this will create spot zoning and sees this as a zoning issue and not a building issue. The rebuttal is that the LCP includes Economic Development, but it needs to be balanced in the correct place. She is requesting to preserve the character of Bourne Village.

Chm. Pickard – asked that if the compromise of moving the Keene House to another location, would it accommodate the preservationists. Ms. Riordan-McKenzie said the issue is zoning only.

Ford – three (3) members of the Selectmen spent hours at the Planning Board and heard both sides. He feels the issue was on the land use. A compromise could be to include parking from existing building but would not cross the street.

Kevin Hale – suggested the area a historic business district as it included a coach stop and store. Several members of the public disagreed.

Ms. Elizabeth Ellis – parties are willing to compromise. Her thoughts are based on the Article as it stands and discussed why parking is needed in the area. Parking stipulations were waived reducing parking lots. The Betsy Keene House fate is uncertain. Future of the parcels is uncertain; business plans change rapidly. The issue is about the zoning only.

Mr. Agrillo – requested to stick to the zoning issue only.

Mr. Donald Ellis, Chairman of Historical Commission - is opposed to the Article. Library comment and it is a town-operated project and subject to town bylaws but doesn't have to

conform to zoning. Moving the house to its original site would put it at the entrance to the health facility across the street. Local Comprehensive Permit (LCP) Section 6.1, " ... diligently control growth to ... historical character." The Historic Committee's position is that this is a zoning issue only on residential to village business district. Unfortunately the Keene House is in the way.

He read into record Historic Commission on 4/12/12 opposed part of petition of zoning change of lots 15 and 16. They concluded lot 23 isn't an appropriate alternative location for the Keene House.

Chm. Pickard – raised issue of the LCP where it states revising zoning. Mr. Ellis said the town should not put a project in an area that cannot be supported by the surrounding area. Chm. Pickard feels the Article could help business and the Library with parking and wishes the town can meet satisfaction of both sides. He is looking at this Article as a business decision.

Ford – asked if Mr. Ellis if he served on the Planning Board. Mr. Ellis responded he has for over 20 years.

Mr. Farrell – there are a number of historic structures that have been moved to other locations so it is not about the zoning or the land. Planning Board decided not to preserve the Cody School and the Hoxie School. There is interest to preserve and protect the Keene House, but nothing has been forwarded to the Planning Board to preserve structure up to now. Any zoning will change in any district and is part of moving forward as a town. Zoning should be available for citizens of the town and people who visit. The proposed parking would benefit the Library and the Historic Society. Historic Society relies on the church, the Library and Mr. Michienzi's property for parking.

Ford – asked if there was opposition when moving other historical properties in town. Mr. Farrell responded no.

Mr. James Mulvey – read Article 35 into the record as presented at Town Meeting for the public.

Chm. Pickard – Pre-Town Meeting notes allow the division of an article on a majority vote and is at the discretion of the Moderator.

Mr. Mulvey – stated one cannot change the initial intent of the original article. Chm. Pickard requested Town Counsel Opinion.

Meier MOVED and SECPONDED by Ford to close public comment so the Board can deliberate. VOTE 4-0.

Discussion

TA Guerino stated in order to divide an article, it is a majority vote; 2/3rd vote on the main motion if it becomes an issue.

Chm. Pickard – his position is solely from someone who would enhance the business area. He is in favor of the Article.

Ford – is not in support of Article as written and is in favor of splitting the article.

Baldwin – is not in support of Article.

Ford MOVED and SECONDED by Meier to not support ATM Article 35 as written. VOTE 3-1 (opposed Pickard).

Board 5 minute recess.

Cape & Vineyard Electric Cooperative (CVEC) Alternate energy proposals for solar PV Projects at town buildings and update on Energy Committee – Richard Elrick and Paul O’Keefe

Mr. Richard Elrick, Energy Coordinator, updated the Board on the EAC projects. The library boilers have been installed. They are currently working on the Middle and High Schools for updates.

Meier – as a former member of the Bourne School Committee, he asked if Bournedale Elementary is on the agenda. Mr. Elrick has a call into Ms. Kathleen White to track down specifics with solar on top of Bournedale Elementary school for proper benefits and to find out the status.

Bourne PV Projects.

Mr. Paul O’Keefe, Energy Advisory Committee (EAC) member, and town representative to CVEC. It is a non-profit municipal Coop consisting of 20 members. They look to maximize benefits for the Host Community, members share remaining benefits and PV projects with non-members. Bourne is a member of the Phase 2 participation.

Broadway Electric is the selected vendor. For the project structure, the CVEC buys output from vendor and sells output to CVEC member/non-member through Power Purchase Agreement (PPA). Benefit is better for CVEC member.

Proposed PV roof mounts include: the Bourne High School, the Sagamore Fire Station and the Bourne Community Center. NStar to allocate net metering credits. Selected Bourne projects will receive net metering credits on the electric bill. Up to those accounts’ total electric loads, the facility will receive 100% of the net metering credit value.

Year 1 savings to the town is \$27,427.36 less the PPA. Numbers are conservative and were put together by the Treasurer of CVEC. The fixed rate is 8 cents for 20 years.

Next steps is to finalize and execute intergovernmental agreements by 5/25/12.

Meier – asked about upfront costs to the Town. Mr. O’Keefe said no upfront costs to the town and that private developers enter into agreements with the town. Net metering allows the town to buy electricity at 8 cents.

Chm. Pickard – asked TA Guerino about the 20-year agreement; the final agreement is 5/25/12 and asked if there are any provisions to sign a 20-yr agreement. TA Guerino said this will have to go before Town Counsel.

Meier – asked if any town action is required. TA Guerino said if Town Counsel approves, the Town Administrator can sign.

Mr. Agrillo – asked who pays for repairing of the roof. Mr. O’Keefe said it is the responsibility of the owner and developer due to the leaks of the PV panel; if shows damage is not due to the PV panel, the developer will work with the town.

Mr. Elrick – said all questions were raised previously by the Middle School. Once the system is installed, and leaks occur later, the vendors want to go out of their way to work with the town as that is how they make their money.

Mr. Agrillo – asked how long has CVEC worked with the vendors. Chm. Pickard said the question is a good point, but he presumes the town’s position is through Town Counsel who will do due diligence and a performance bond is attached to this agreement.

Mr. O’Keefe – clarified the town will have an agreement through CVEC and its vendors.

Mr. Mulvey – a 20-year contract proposed requires more time. Problem resolution is a concern. Increased loading on the roof or is it already maximized and how is the load distributed. Succession clause if a company is bought out by another was raised.

Mr. O’Keefe – this is a timeline for the vendor and is not written in stone.

TA Guerino – each community would sign their own agreement.

Chm. Pickard – recommends the Board take legal questions to Town Counsel and engineers.

Mr. O’Keefe – Town Counsel is conferring with CVEC and all questions are being considered.

Discussion related to Fowl “abatement” in Scraggy Neck area

Mr. George Seever is back from 2001. In terms of Squeteague Harbor, beaches were unusable due to fowl waste. In 2001 a Statement of Purpose was written. The program to humanely control the goose population was halted in 2011. Organizations including Cataumet Civic Association, Cataumet Club and Cataumet Schoolhouse Preservation re-instated the program.

The geese issue still remains. The program was halted in 2011, because a driver in Dartmouth ran over a goose and was arrested. Mr. Seever does not want to be arrested for conducting this program in Bourne and is requesting town support of said program.

Non-profits want to live together with the water fowl. In Cataumet, 15% support the geese population. Pyrotechnics frightens the geese. Chief Woodside heard from the group 5-6 years ago.

Jim Rouss – runs a camp in the summertime and asked if anyone is against this group scaring the geese away. These are “resident geese” as they will not migrate. Estimated growth rate is 30%.

TA Guerino – spoke with the DNR Director and the Chief of Police and both concurred this is not an illegal act, but he recommends the town not set a policy this evening relative to the issue.

Mr. Seever – asked if TA Guerino could seek Town Counsel with regard to his consequence if a goose is injured.

Meier – asked if the Board can put on a future agenda to put on as a policy.

Chm. Pickard - Mr. Seever suggested a solution the town is comfortable with.

Ford – recommends TA Guerino look into further. He stated if accidents occur with this program, there is no criminal intent.

Tom Gelsar – is in support of Mr. Seever’s program based on the idea of balance in controlling the geese.

Selectmen’s business

a. Signing of election warrant

Meier MOVED and SECONDED by Ford to approve the signing of the Election Warrant.
VOTE 4-0.

b. Waterways – next step

Ford – recommends Town Counsel define the lines of what is are policy making, what the town can do by bylaws and what is under the harbormaster. If these issues are defined, the town lives within them.

TA Guerino – to invite both DNR Director/Harbormaster Mr. Mullen and Atty. Troy before the board to discuss at a future meeting.

c. Discussion regarding COA appointment

Ford – filed a disclosure with regard to a conflict of interest. On 4/24/12 he contacted Mass State Ethics and explained conflicts of interest and whether he can participate in COA

appointment discussion of voting since his daughter had been an applicant. He has obtained a stamped disclosure from Town Clerk which was read into record. Ford has clearance with the Ethics Committee.

Chm. Pickard – 6 candidates were interviewed for the COA Director position. On 4/20/12, he obtained an article from the South Coast newspaper which was forwarded to TA Guerino, Selectmen, HR Director Ms. Thompson and Town Counsel with regard to if a background check was conducted with Ms. Grace Nadeau with regard to the forthcoming of incident. He met with TA Guerino and Ms. Thompson to discuss the selection process on the candidate.

TA Guerino and Ms. Thompson were aware Ms. Nadeau was relieved of her duties from Fairhaven and used the article as a balance to determine if the party was eligible. Ms. Nadeau was forthcoming with the hiring committee. Ms. Nato wasn't at a Selectmen meeting when she was appointed because Ms. Thompson said she had a prior scheduled meeting.

Chm. Pickard – TA Guerino interviewed Mr. Osuch from Fairhaven on 4/24/12 and stated issues that were not entirely of Ms. Nadeau's making and that she was a well qualified candidate.

Meier – asked if Ms. Nadeau's being a finalist in Framingham, who ultimately chose not to hire her. Ms. Thompson and TA Guerino concurred this information would not have been a factor in the hiring decision.

TA Guerino – stated the board can either vote to veto or let appointment to stand. Does not need to endorse.

Ms. Blake, Chairman of the Council of Aging, and a member of the hiring committee – six parties interviewed. She asked TA Guerino for resumes and were given to her by Ms. Thompson. She asked Ms. Thompson who would be on the interview committee and was told it was not such a big deal. Ms. Blake requested another member to TA Guerino and was told there will be another person on the hiring committee. Ms. Blake said additional member Lois Carr didn't have resumes. Ms. Blake questioned whether the two committees worked cooperatively. Ms. Blake believes Ms. Nadeau was not forthcoming in the interview with regard to Fairhaven.

TA Guerino – stated the candidate Ms. Nadeau was upfront in the interview that she was asked to leave Fairhaven.

Ms. Blake – stated she did not know of Ms. Nadeau's being fired from Fairhaven.

Chm. Pickard – stated Ms. Blake did not feel applicant informed the hiring committee she was fired from Fairhaven.

Ms. Thompson – stated Ms. Nadeau was forthcoming about Fairhaven.

Ms. Lois Carr, member of the hiring committee – does not feel Ms. Nadeau was forthcoming about Fairhaven.

Chm. Pickard – Ms. Nadeau was offered position on 4/18/12. He has concerns about the hiring process as it appears two members of the hiring committee were not informed about Fairhaven in the hiring process.

Meier MOVED and SECONDED by Ford to veto the appoint of Ms. Grace Nadeau as the COA Director. VOTE 3-1 (opposition Baldwin).

d. Correspondence regarding Charter Compliance Committee – request

Chm. Pickard informing the public of two members of the public, Mr. Conron, Mr. Milanos requested a hearing relative to the Town Administrator's contract. The town is obtaining special counsel as Atty. Troy had input in the TA contract.

Ford moved and seconded by Baldwin to support Attorney Troy's recommendation to retain Michael D. Ford as Special Counsel to the Board of Selectmen as it relates to the current Charter Compliance issues. Vote 4-0.

TA Guerino – to confirm with Atty. Troy if Atty. Ford is available for discussion, if necessary.

Ford – recommends the Vice Chair and Clerk to look at Executive Session minutes with regard to the TA contract.

Meier MOVED and SECONDED by Baldwin to review all encumbered executive minutes relative to the TA contract dating back to 2005 by the Vice Chm and Clerk of the Board of Selectmen. VOTE 4-0.

e. Taylor's Point parking

Chm. Pickard – there are parking issues that is an operations matter where TA Guerino could delegate Department Heads (Police and DNR) to review. Meier can be liaison.

Ford – if a party is parked on town property, the town cannot touch them unless the areas are posted.

Meier – believes it is mostly MMA freshman parking on Federal land and on town property on the grass off the pavement and may be a sticker issue. TA Guerino said the Admiral is more than willing to work with the town.

f. T.J.'s Grill & Bar – requesting "stay" on one day license suspension

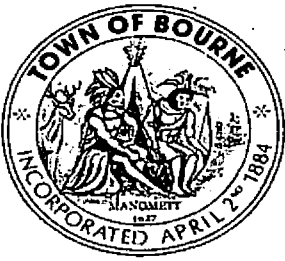
Chm. Pickard – for the public, stated there is a request by Ms. Judith Tubbs. She was given an appeal date of 6/6/12 regarding the hearing and finding of guilty on 4/17/12 on T.J.'s Grill & Bar LLC, License #1180081. The ABCC has advised her to request a Stay of Suspension until after the appeal hearing on 6/6/12.

No Selectmen vote required.

Adjournment

Ford MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 10:00 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



2012 MAY 7 PM 12:21

AGENDA

TOWN CLERK'S OFFICE
BOURNE, MASS

AMENDED

Date

Monday
May 7, 2012

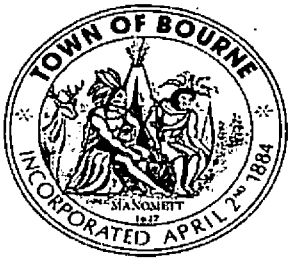
Time

6:45 p.m.

Location

Bourne High School Auditorium
Stage Area
75 Waterhouse Road
Bourne

1. Call Meeting to Order
2. The Board of Selectmen will meet in open session to participate, discuss, and vote on the Special and Annual Town Meeting each session until the conclusion.
3. Application from Hoagie's Diner for a Common Victualer Food License at 808 MacArthur Boulevard, Pocasset.
4. Adjourn



Board of Selectmen Meeting Notice

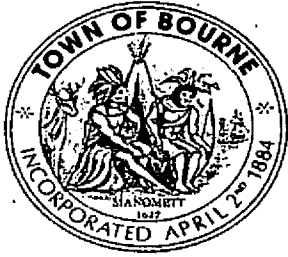


AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday May 7, 2012	6:00 p.m.	Bourne High School Auditorium Stage Area 75 Waterhouse Road Bourne

1. Call Meeting to Order
2. The Board of Selectmen will meet in open session to participate, discuss, and vote on the Special and Annual Town Meeting each session until the conclusion.
3. Application from Hoagie's Diner for a Common Victualer Food License at 808 MacArthur Boulevard, Pocasset.
4. Adjourn

2012 MAY 3 AM 9 50
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice

2012 MAY 9 PM
TOWN CLERK'S
BOURNE, MASS



AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Friday May 11, 2012	4:15 p.m.	Bourne Town Hall 24 Perry Avenue Buzzards Bay Lower Conference Room

1. Call Meeting to Order
2. Approve improvements made on town owned land located in front of the Lobster Trap Restaurant, 290 Shore Road, Bourne
3. Designation of Michael Ford, Special Town Counsel as a Special Municipal Employee pursuant to Chapter 268A, Section 17.
4. Adjourn

Board of Selectmen
Minutes of May 11, 2012
Bourne Town Hall – Lower Conference Room
Buzzard Bay, MA 02532

2012 MAY 24 AM 9 59
TOWN CLERK'S OFFICE
BOURNE, MASS

.....

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin

Others Present: David Delancey, Joseph Agrillo Jr.

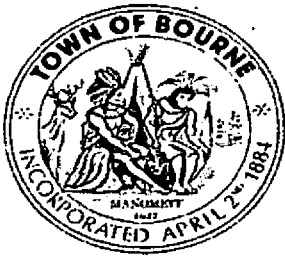
Chairman Pickard called the meeting to order at 4:15 PM

Discussion of improvements made on town owned land at the Lobster Trap Restaurant, 290 Shore Road, Bourne.

John Ford made a **MOTION** and **SECONDED** by Peter Meier to approve the work within the layout on town owned property in front of Lobster Trap Restaurant, 290 Shore Road, Bourne according to plan as submitted. **UNANIMOUS VOTE**

John Ford made a **MOTION** and **SECONDED** by Peter Meier to approve Michael Ford, Special Town Counsel as a Special Municipal Employee. **UNANIMOUS VOTE**

John Ford made a **MOTION** and **SECONDED** by Peter Meier to adjourn meeting at 4:25 PM



Board of Selectmen Meeting Notice AGENDA



2012 MAY 18 PM 3 35

6:00 EXECUTIVE SESSION – LIUNA – BEA CONTRACTS
TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday May 22, 2012	6:40 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

6:40 P.M. Joint meeting with Bourne School Committee
To fill vacancy on the UCRT School left by resignation of Joseph Agrillo.

7:00 – 7:15 (Items 1-5) Call regular meeting to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : Regular: 5/02/12, 5/11/12 Executive: 6/23/08, 11/2/09, 3/23/10, 5/19/10, 5/25/10, 8/24/10, 11/16/10, 12/14/10, 3/1/11, 3/8/11, 3/15/11, 9/27/11, 2/21/12, 3/6/12
5. Correspondence

6. 7:15 Pole Hearing: Scraggy Neck Road – Nstar Electric

7. Licenses/Appointments:

- a. Sweet Caroline's Café – Common Victualer, Entertainment
- b. Pocasset Subway – Common Victualer transfer
- c. Arts Foundation of CC – One Day Liquor
- d. Marconi Club – One Day Liquor
- e. MMA @ Beachmoor – One Day Liquor
- f. St. Peter's Fun Day – Entertainment License

8. Recommendation of Special Counsel for ISWM negotiations by Dan Barrett

9. COA Director Vacancy

- a. Policy discussion how to proceed effectively with the new search
- b. Assessment of what happened and discussion of how to address the first recruitment

10. Selectmen's business

- a. Discussion on preparing municipal buildings for Canal Centennial Celebration
- b. Pan Mass Challenge Discussion
- c. Board Reorganization – process and discussion

11. Town Administrator report

- a. Personnel Policies and Procedures (Intro to Board) – provided in hard copy
- b. Water safety funding from Town meeting – uses.
- c. Point of personal privilege.

12. Adjourn

Board of selectmen
Executive Session Minutes
May 22, 2012 6:00 P.M.
Bourne Veterans Memorial Community Building

4
RECEIVED
2016 DEC 27 AM 9:43
TOWN CLERK BOURNE

Chairman Pickard called the meeting to order in open session. Mr. Meier made a MOTION was made to go into Executive Session to discuss to discuss the ongoing negotiations for LIUNA and BEA contracts and to return to open session. The MOTION was seconded by Mr. Baldwin and by roll call vote was unanimously agreed to by the Board.

Mr. Pickard, yes: Mr. Ford, yes: Mr. Baldwin, yes: Ms. Zuern, yes: Mr. Meier, yes.

TA Guerino and HR director Thompson were present and explained the final contents of the DPW contract as negotiated to date. Mr. Guerino indicated that the same language was contained as the LIUNA units regarding the re-institution of steps and a 2% COLA for years one and two of the Contract with a wage re-opener in year three. Steps would be reduced for new employees hired July 1, 2012 or thereafter to 2.50%. Language was also changed to reduce the bereavement leave for in laws, reduction in call back time from a layoff from 24 to 18 months and only having one opportunity to refuse a position of a similar nature. (...if refused once the employee would be taken off the recall list). All other provisions of the contract were brought into conformance with all of the other LIUNA contracts to provide continuity within the LIUNA bargaining groups. Additionally the sick leave buy back provision would be eliminated for new employees commencing on July 1 or thereafter.

Mr. Meier made a MOTION to support the contract as presented. The MOTION was seconded by Mr Baldwin and by roll call vote was unanimously agreed to by the Board as follows;

Mr. Pickard, yes: Mr. Ford, yes: Mr. Baldwin, yes: Ms. Zuern, yes: Mr. Meier, yes.

BEA Contract negotiations— Mr. Guerino and Ms. Thompson reported that the BEA group had concurred with the same wage package (institution of steps and 2% COLA) for years one and two of the contract term with a wage reopener for year three. Bereavement leave changes similar to those in LIUMA were also agreed with. A one year agreement was rejected with the understanding that discussions would take place regarding the elimination of the unit and the institution of a pay plan. Additionally there is a need for one more meeting regarding the elimination of sick-leave buy back for new employees in the unit after July 1, 2012.

Page 2

The Board accepted the report and Mr. Ford made a MOTION to adjourn the Executive Session and return to open session. The MOTION was seconded by Mr. Meler and unanimously agreed to by the Board via a roll call vote as follows;

Mr. Pickard, yes: Mr. Ford, yes: Mr. Baldwin, yes: Ms. Zuern, yes: Mr. Meler, yes.

The Executive session was adjourned at 6:48 P.M.

Submitted,

Thomas M. Guerino

4

Board of selectmen
Executive Session Minutes
May 22, 2012 6:00 P.M.
Bourne Veterans Memorial Community Building

RECEIVED
2016 DEC 27 AM 9:43
TOWN CLERK BOURNE

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TA Guerino and HR director Thompson were present and explained the final contents of the DPW contract as negotiated to date. Mr. Guerino indicated that the same language was contained as the LIUNA units regarding the re-institution of steps and a 2% COLA for years one and two of the Contract with a wage re-opener in year three. Steps would be reduced for new employees hired July 1, 2012 or thereafter to 2.50%. Language was also changed to reduce the bereavement leave for in laws, reduction in call back time from a layoff from 24 to 18 months and only having one opportunity to refuse a position of a similar nature. (...if refused once the employee would be taken off the recall list). All other provisions of the contract were brought into conformance with all of the other LIUNA contracts to provide continuity within the LIUNA bargaining groups. Additionally the sick leave buy back provision would be eliminated for new employees commencing on July 1 or thereafter.

Mr. Meier made a MOTION to support the contract as presented. The MOTION was seconded by Mr Baldwin and by roll call vote was unanimously agreed to by the Board as follows;

Mr. Pickard, yes: Mr. Ford, yes: Mr. Baldwin, yes: Ms. Zuern, yes: Mr. Meier, yes.

BEA Contract negotiations – Mr. Guerino and Ms. Thompson reported that the BEA group had concurred with the same wage package (institution of steps and 2% COLA) for years one and two of the contract term with a wage reopener for year three. Bereavement leave changes similar to those in LIUMA were also agreed with. A one year agreement was rejected with the understanding that discussions would take place regarding the elimination of the unit and the institution of a pay plan. Additionally there is a need for one more meeting regarding the elimination of sick-leave buy back for new employees in the unit after July 1, 2012.

Page 2

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Mr. Pickard, yes: Mr. Ford, yes: Mr. Baldwin, yes: Ms. Zuern, yes: Mr. Meier, yes.

The Executive session was adjourned at 6:48 P.M.

Submitted,

Thomas M. Guerino

Board of Selectmen
Minutes of May 22, 2012
Bourne Community Building
Bourne, MA 02532

2012 JUN 27 AM 11 28

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- Donald Pickard memo dated 5/22/12 to the BOS – 7 pages

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

Meeting called to order

Chm. Pickard at 6:00 pm. Meier MOVED and SECONDED by Baldwin to go into Executive Session to discuss LIUNA – BEA contracts and to reconvene in Joint Session with the Bourne School Committee to fill vacancy on the CCRT School Committee left by resignation of Joseph Agrillo. Roll call: Ford – yes; Meier – yes; Baldwin – yes; Zuern – yes; and Pickard – yes.

Joint meeting with Board of Selectmen and Bourne School Committee to fill the unexpired term on the UCRT School Committee left by resignation of Joseph Agrillo until the next election.

Kevin Farr, UCRT School, thanked the town of Bourne for its support of the UCRT, for his 30 administrative years and for the last six (6) years as Superintendent of UCRT. He respectfully requested the committee and board support Ms. Mary Crook as Bourne's Representative to the UCRT School Committee.

Chm. Pickard acknowledged a quorum of both the Board of Selectmen and the Bourne School Committee.

Three candidates applied for the UCRT Bourne's Representative position vacancy. Ms. Mary Crook, Mr. Steven Strojny and Mr. David Sampson. Ms. Crook and Mr. Sampson present tonight.

Ms. Crook - introduced herself to the board and committee. Ms. Crook's position as an advocate for Bourne, her position is to be fiscally responsible – for both equality and equity – which includes children, tools and staff, professional development.

Mr. Agrillo – he is not in support of Ms. Crook.

Mr. Sampson – introduced himself to the board and committee. He was a former president and superintendent of UCRT. He is interested in the best education of the students within the school's fiscal scope; it is important to have facilities and equipment available; personal and professional development as Bourne Representative. When asked about his 11 years absence how does he anticipate to get back into the school committee – he has been actively in contact with administrator of the schools, the community and keeping up with what is current. He was also asked about the position in November – he responded he would likely be a candidate for the position expiration in November.

Mr. Agrillo – is in support of Mr. Sampson.

No public comment.

School Committee:

Siroonian MOVED and SECONDED by O'Hara to appoint Ms. Mary Crook as interim Bourne Representative on the UCRT School committee. VOTE 6-0; AND

Board of Selectmen:

Zuern & Meier voted in favor of Ms. Crook with opposition from Ford, Baldwin and Pickard. VOTE 3-2

FINAL JOINT SESSION VOTE is 8-3.

Meier MOVED and SECONDED by Siroonian to close Joint Session meeting. UNANIMOUS VOTE.

Moment of Silence/Salute the Flag

Chm. Pickard congratulated Ms. Linda Zuern.

Public Comment

Ms. Dwyer will wait until TA report.

Approval of minutes –regular meeting minutes of 4/17/12

Meier MOVED and SECONDED by Ford to approve minutes of 5/1/12 as amended. VOTE 4-0-1 (Zuern).

Meier MOVED and SECONDED by Ford to approve minutes of 5/11/12 as submitted.

VOTE 4-0-1 (Zuern).

Ford MOVED and SECONDED by Meier to approve Executive Session minutes and to unencumber of 6/23/08, 11/2/09, 3/23/10, 5/19/10, 5/25/12, 8/24/10, 11/16/10, 12/14/10, 3/1/11, 3/8/11, 3/15/11, 9/27/11, 2/21/12 and 3/6/12. VOTE 4-0-1 (Zuern).

Mr. Agrillo – commented on the length of time to approve the Executive Session minutes. Chm. Pickard explained minutes were under review and sealed with regards to TA Guerino's contract negotiations before making public. He took responsibility, as he is the Chairman.

7:15 Pole Hearing: Scraggy Neck Road – Nstar Electric

TA Guerino - Board was handed an amended petition and plan which can be acted upon tonight. NStar requesting permission to locate and relocate pole, wires, cables and fixtures to a new pole on Scraggy Neck Road in Bourne. In order to do so, it is necessary to secure existing pole line on Scraggy Neck Road.

Meier MOVED and SECONDED Ford to approve placement of the pole on Scraggy Neck Road as described in the application by NStar. VOTE 5-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office:

Item L – Ford commented on phone calls against on extending the parade route. Police and Fire Chief will be in before the Board to discuss at a later date.

Item F – Pickard communicated to Miss Wilson by e-mail with regards to the Ella F. Hoxie Elementary School before the 2012 Town Meeting.

Item Q – Zuern inquired about the board's decision with regards to Mr. Seaver's Goose Busters Program. TA Guerino said board didn't endorse, but based on his discussions with the Harbormaster, there are no laws that are being broken with Mr. Seaver's Program, and he can continue his Program. The Program is not a town sanction.

Item K – ABCC hearing and if there a need for a member of the board to attend. Town and T.J.'s will be asking for an extension.

Item P – Cape Cod Commission GIZ decision. TA Guerino recognized Town Planner Coreen Moore who worked the last 4 years on the GIZ.

Item R – Fire Service Commission. TA Guerino recognized Chief Green who participated in a Fire Chief Credentialing Program.

Licenses/Appointments/Easements

- a. Sweet Caroline's Café – Common Victualer

Ford MOVED and SECONDED by Zuern to approve request for Common Victualer license at 240 Main Street (formerly Flip Flops) subject to the Board of Health comments for outside grilling for the summer; VOTE 5-0.

Zuern MOVED and SECONDED by Baldwin to approve request for Entertainment License at 240 Main Street Monday – Sunday 11:00 am – 4:30 pm, per routing slip. VOTE 5-0.

b. Pocasset Subway – Common Victualer transfer

Ford MOVED and SECONDED by Meier to approve request for Common Victualer license at 626 MacArthur Blvd., Pocasset, per routing slip. VOTE 5-0.

c. Arts Foundation of Cape Cod – One Day Liquor

Ford MOVED and SECONDED by Meier to approve request at 101 Academy Drive, Buzzards Bay for the Unveiling of Pops by the Sea original Commissioned Painting; awards go to winners of Comcast Art Scholarship T-Shirt Design Contest for One Day Beer & Wine Liquor license on 5/29/12 from 5:30 am – 7:30 pm, per routing slip. VOTE 5-0.

d. Marconi Club – One Day Liquor

Ford MOVED and SECONDED by Meier to approve request at 90 Adams Street, Sagamore for the Boosters Club One Day All Alcoholic license on 7/15/12 from 11:00 am – 5:00 pm, per routing slip. VOTE 5-0.

e. Mass Maritime Academy (MMA) @ Beachmoor – One Day Liquor

Ford MOVED and SECONDED by Meier to approve request at 101 Academy Road, Buzzards Bay, for One Day Liquor license at the Beachmoor at MMA, per routing slip. VOTE 5-0.

f. St. Peter's Fun Day – Entertainment License

Ford MOVED and SECONDED by Meier to approve request at 165 Main Street, Buzzards Bay for Entertainment license on 7/7/12 (rain date of 7/8/12) from 10:00 am – 4:00 pm, for St. Peter's Fun Day, per routing slip. VOTE 5-0.

Recommendation of Special Counsel for ISWM negotiations by Dan Barret.

Chm. Pickard said Town Counsel will need more time to review.

Ford MOVED and SECONDED by Meier to table discussion. VOTE 5-0.

COA Director Vacancy

a. Policy discussion how to proceed effectively with the new search

Pickard read into record his memo to the board on 5/22/12. In conclusion, he believes that contrary to the statements of the Town Administrator and HR Director, two members of the Hiring Committee did not know about the firing of their choice for the COA Director by the Town of Fairhaven until an article was forwarded to them by him on 4/22/12.

TA Guerino – for the record, go back to the DVD, on Page 1, Paragraph 4 citing his discussion prior to the selection, he said he was told by Fairhaven that Ms. Nadeau had a number of positive qualifications. In addition, he continues to maintain the candidate stated she was invited to leave Fairhaven.

Ford – disagrees with TA Guerino due to the paper trail and that there wasn't a diligent background check done. In making sure this does not happen again, he would like a process set up. He recommended applicants be notified when their resumes are received; and a letter thanking them for participating if they aren't selected. Committees should have resumes in a timely manner. He would like a policy set up with regard to the screening process to include the Friends, a member of the Council on Aging, a Council on Aging from another community, and a member-at-large.

TA Guerino – he takes responsibility for not notifying the board of his appointment prior to making public. In his tenure, there has never been a veto on an appointment and waiver of time. Moving forward, he wants to follow a similar pattern for the new COA Director as when hiring the Finance Director. There shall be a five (5) person committee to include: Financial Director, COA Director from another community, TA from another community, Chairman and President of the COA (Ms. Blake), HR Director, and the Town Administrator. Applications are due in by 5/8/12. HR Director will go through initial review looking for criteria of position. Resumes will be forwarded to the rest of the committee; who will then determine who will be interviewed. Then follow a process that was not followed as tight previously: Meet Executive Session with the board before making appointment public. This is the process moving forward and welcomes recommendations by the board.

Chm. Pickard – he would like to see a committee made up of five (5) members, provided they are given all applications to see who they like and the HR Director sit in on the interviews. He disagrees on how TA Guerino suggested to proceed; the committee should include member of the Friends, the COA, but recognizes TA Guerino as the hiring manager be given a group of five (5) to fit criteria that has been set.

Ford – takes exception that TA said it was the first time of a veto on an appointment. He thought the HR Director's responsibility was to guide the group through the process ahead of time. He feels the committee should have all this information in a timely manner.

Zuern – agrees with Pickard and Ford. Doesn't see why the town would need a TA from another town, but suggests the Director of the Community Bldg, the Trustees and their Director, the COA, Friends and another additional person. She sees Financial Director Marzelli as a resource and not as a member on the hiring committee. She feels the committee should include people working closely with the COA Director.

Baldwin – would like to have received Chm. Pickard's memo sooner than tonight for review. He would have preferred going to the Board of Selectmen before Ms. Marzelli for e-mails, the board should have been in Executive Session to review of said e-mails and not just the Chm. He

feels the last statement in the memo "...whether anyone forthcoming ..." is an opinion and should not be included in the memo. To him, this comes close to interfering with the town's daily operations.

Pickard – disagrees on interfering with the town's daily operations as there is a credibility issue.

Baldwin – is concerned about what took place at the last meeting. There were accusations made by two (2) members of the hiring committee. The issue is not just the hiring process; the whole thing has been a problem. If an elected official goes to a town employee requesting paperwork, he feels a request should be filed.

Ford – disagrees with the filing for information. Pickard went to Town Counsel. There was an issue in the past where Mr. Ford, as Chairman of the Board, consulted Town Counsel through e-mails. There were some failings found and it was recommended training be conducted. This is something the board has to take up moving forward. He agrees with Baldwin where there should be an Executive Session to address emails and review. He discussed process with TA Guerino this past Friday.

TA Guerino – has no problems with the Board looking at his e-mails as they are public record. His biggest concern was, if the board wanted to see his e-mails, they only had to ask for them. He regrets the whole board was not made aware of e-mail paper trail. Relative to Zuern comments, he does see reasons where he would ask Financial Director as a member of the committee as there is information in filing grants in dealing with the senior population. Ms. Marzelli is a credible, well-respectable individual. At the board's recommendation, he will bring on a member of the Friends on this search moving forward. He will take recommendations of the board into serious consideration as he respects the board with the majority of the highlights the board has brought forward. With regard to the Executive Session, put on the agenda before the board 6/05/12 meeting, as the May 29, 2012 meeting is extremely full.

Ford MOVED and SECONDED by Meier to hold Executive Session on 6/5/12 with regards to the Town Administrator role and the appointment of the COA Director to review timelines and responsibilities. VOTE 5-0.

b. Assessment of what happened and discussion of how to address the first recruitment

Mr. Agrillo – suggested the board use a hiring company.

Mr. Mulvey – he would like to see a properly constituted committee with proper members appointed to it with a proper Executive Order which defines what the committee is to do. The TA hires and fires subject to possible veto by the Selectmen. The TA's obligation is to properly constitute and charge a search committee. He suggested a seven (7) member committee be considered to design and ask for suggestions before TA Guerino implements.

Mr. Paul Gately – asked the salary of the COA Director. TA Guerino responded around \$70,000, being on the high end.

Meier – asked when the board can expect to have the COA Director position filled. TA Guerino responded by the 3rd week of July; latest by the first week of August. All applicants are subject to a CORI check.

Chm. Pickard – he would like to see more of a verification check on educational achievement.

TA Guerino – there were some failings in the hiring selection previously, but will follow a similar check.

Ford – for the record, he feels the process in which he used as a board Chairman and what the current board Chairman used was the best system to follow.

Selectmen's business

a. Discussion on preparing municipal buildings for Canal Centennial Celebration

Meier – asked to be put on the agenda to be pro active. Ford had asked the Logistics committee how much money they would need for security, medical, etc. They will come before the board in the near future. TA Guerino would also like to deal with making sure the town's own facilities appearance is in good shape (some capital expense – paper, paint, signage).

b. Pan Mass Challenge Discussion

Meier discussed issues last year and will defer to the Police and Fire Chief as they went to the Cape & Islands GMS and will support with what the Police and Fire Chief have to say.

Ford – with about 7,000 cyclists, the town historically has had "No Parking" Signs posted at Taylor's Point prior to the Challenge.

Meier – there will be a 6/9/12 Taylor's Point Association meeting to discuss issue. A PR will take out the conflict out of the discussion.

Police Chief suggested looking at the parking in the future and suggested a ticket and tow system. Pan Mass should be paying for the services they demand the town provides. There will be police coverage from 10:00 am – 6:00 pm.

Ford – is in favor of posting signs on the property at Taylor's Point towed at owner's expense (on town property) and would like the Taylor's Point Association take a vote on action. TA Guerino will relay to Pan Mass the town's concerns. Police and Fire Chief will ask for a Declaration prior to the Challenge.

Zuern – agrees that Pan Mass should go through the proper channels for functions.

TA Guerino will follow up on discussion with Pan Mass.

c. Board Re-organization

TA Guerino suggested the Board refer to the Board's policy and procedures with regards to re-organization. Any board member interested in any of the positions open (Chairman, Vice Chairman and Clerk) should send requests to TA Guerino's office per policy. Ford said to save time, send notification to the board and cc TA Guerino. TA Guerino suggested taking care of the Board of Sewer Commission's re-organization as well. Chm. Pickard is not interested in re-seeking the Chairman position.

TA Administrator report

a. Personnel Policies and Procedures (intro to Board) – provided in hard copy

Town Counsel recommended some changes which have been incorporated into the document, and requests the board review. He would like to put on agenda for 6/19/12. Three readings will be required.

b. Water safety funding from Town Meeting – uses – Recreation Director

Best utilization of additional \$25,000 discussion. TA Guerino said to lifeguard a beach, it would be approximately \$14,000 and \$16,000 per beach; two beaches could not be manned with \$25,000. He is recommending one beach at 40 hours (4 beaches total) and to add a full additional session of swimming lessons in town (1 instructor @ 35 hours, \$6,800 for approximately \$16,000 for the 4th beach). Beaches currently recommended are Sagamore Beach, Electric Avenue, Monument Beach and Hen Cove.

Ford – asked where the swimming lessons will be. Recreation Director Ms. Caron – said the intent is to have where the town would have a lifeguard.

Zuern – she is in favor of taking a lifeguard out and put at an extra beach.

Ms. Caron – try to align lessons and offer different sessions (in July at Electric Ave and in August at Sagamore Beach). Zuern feels a lifeguard is more important than the lessons. Ms. Caron – disagrees as swimming in the ocean and pool is different. Zuern - heard there aren't as many swimmers at Electric Avenue vs. Gray Gables.

TA Guerino – looking at the money available, with the additional \$25,000, has tried to offer the broadest possible services to the broadest number of people.

Zuern – suggested charging parents for swimming lessons. Ms. Caron – the town does, but in order to make it affordable, the town has to subsidize some of the money. TA Guerino – the town will turn no child away who cannot pay for the lessons.

Ms. Dwyer – there is documentation that says it is the Selectmen's decision to name the three beaches. She based the \$25,000 number on discussions of lower numbers in guards at each beach. She would have asked for more money as she feels the numbers are being changed to leave out certain beaches.

TA Guerino – clarified that the townspeople voted to provide lifeguards. Looked and numbers and the budget. Selectmen said it is their goal to provide lifeguards for this fiscal year. It is up to the TA to name the beaches. If the board has concerns of where he is placing guards, the board would have recommendations. Location is based on population bases, etc. When looking at the lower numbers, he is looking at the record the beach had previously. There were some errors on how some beaches were covered and is concerned with having one (1) lifeguard at any particular time as he doesn't want an occurrence like what happened with Molly Bish occurrence.

Ms. Dwyer – she raised issue that back in February 2012, she was told to have lifeguards at one beach, it would cost between \$9,900 - \$12,000; this is how she came up with the additional \$25,000. Ms. Caron – she remembers giving the numbers to Ms. Dwyer, but when including those numbers, it didn't include workmen's comp and liabilities; the numbers were also based on the increasing the cost of lifeguards. Also, the beaches were previously understaffed and moving forward the town will need the increase of guards for safety. Ms. Dwyer is concerned about no swimming lessons at Gray Gables. Ms. Caron – the town's lifeguard rate is relative to the standard of the employee the town wants; she has a concern about staffing four (4) beaches with well-qualified lifeguards.

Zuern – she is concerned about hearing more requests for lifeguards and not swimming. She would like to see a lifeguard at Gray Gables. Ms. Caron – three (3) lifeguards at each beach equates to hiring a total of five (5) lifeguards.

Ford – demographics is why the named beaches were named.

TA Guerino – discussed lifeguard salaries and believes as a Town Administrator and a former lifeguard beach administrator, the guards are important but teaching to swim where there are guards is more important. Ms. Zuern's points are well taken, but with the money available, a lot of work has gone into selecting beaches to be covered and is the best the town can do.

Ms. Dwyer – asked Ms. Caron if she had any numbers from 2010 of the swimming lessons and how many took the lessons. Ms. Caron said the files were empty and could not find all the swim lessons and doesn't have a lot of information for 2010; she wasn't in charge of the lifeguards at that time. Ms. Dwyer said the person who was previously in charge of lifeguards, Ms. Cox, said she gave Ms. Caron all that information and doesn't know why Ms. Caron cannot find it.

Zuern MOVED the board direct TA Guerino to find a way to put a lifeguard at Gray Gables by cutting swimming lessons at another beach or to cut a lifeguard from a beach that is not as populated. No second to Ms. Zuern's motion.

c. Point of personal privilege

TA Guerino will waive discussion tonight.

Other Discussion

Board's goal session – Chm. Pickard suggested putting on the agenda after the board re-organization.

Ford –asked about pothole money. TA Guerino said looking at last year's numbers, it could be in the upper \$700,000 range; it will be a 80/20 split and all will go to educational issues. There will be an upcoming MMA Leadership conference in Sutton, MA.

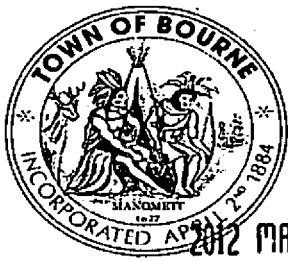
TA Guerino informed the board by e-mail, but said he will be at training on 5/31/12 and 6/1/12.

Meier – responding to Paul Gately's e-mail. *(Peter to provide prepared written response on Monday)* He commented on phone calls he made to Fairhaven and a letter to the editor he wrote (which happened 4 years ago). He explained his reasoning for both incidences and said he was never once asked for clarification of his actions. While out walking on a Sunday, he was shouted at and discriminated against in front of his 6 year old daughter. There are limits and his daughter is off limits.

Adjournment

Ford MOVED and SECONDED by Zuern to adjourn meeting. Meeting adjourned at 9:40 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA

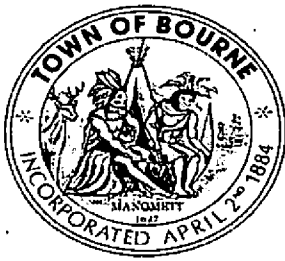


Date TOWN CLERK'S OFFICE
Tuesday BOURNE, MASS Time 7:00 p.m.
May 29, 2012 Location
Bourne Veterans' Memorial
Community Center
239 Main Street, Buzzards Bay

Sewer Commissioners Meeting 6:15 – Report of the Wastewater Committee

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

- 7:00 – 7:15 (Items 1-5) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Public Comment – Non-Agenda Items
 4. Minutes : 5.22.12 Regular
 - 5.
 6. Correspondence
 7. Town Administrator's review
 8. Board Reorganization
 9. Robert S. Troy, Town Counsel regarding waterways regulations, et.al.
 10. Presentation by the Cape Cod Commission re: Wastewater Protection Collaborative (Andrew Gottlieb 30 – 45 minutes)
 11. MEP – UMASS DARTMOUTH – Squeteague /Megansett
 12. Licenses/Appointments:
 - a. Sagamore Beach Colony – 4 One Day Liquor Licenses
 - b. Senor' Trappers – Common Victualer
 13. Selectmen's business
 - a. Set goals date
 14. Adjourn



Board of Selectmen Meeting Notice AGENDA

2012 MAY 24 PM 3 10



Date
Tuesday
May 29, 2012

Time
7:00 p.m.

Location TOWN CLERK'S OFFICE
BOURNE, MASS
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**Board of Selectmen
Minutes of May 29, 2012
Bourne Community Building
Bourne, MA 02532**

2012 AUG 1 PM 12 48

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

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

Meeting called to order

Chm. Pickard at 7:00 pm.

Moment of Silence/Salute the Flag

Public Comment

Mr. Agrillo – was unhappy at last week's meeting and suggested the board come up with rules against cardboard signs (kangaroo court). Chm. Pickard said the board cannot deliberate, but TA Guerino can discuss with Town Counsel if it is considered free speech.

Mr. Hebb – read his letter for the record to Meier's comments about being in the press. He doesn't agree with his comments at the last board meeting in response to the newspaper article. Said letter was submitted to Chm. Pickard. Meier said his comments were over emotional and apologized for naming Mr. Hebb's wife in his comments. He briefly reviewed his actions on the Planning Board.

Mr. Agrillo – called a point of order. Chm. Pickard allowed Meier to continue to speak.

Meier didn't vote to put Mr. Hebb out of business, but rather voted on the facts that were presented to him as a member on the board. He said it didn't have to get to where this has gone.

Ms. Dwyer – for the record, she is asking the board to consider spending \$9,000 for lifeguards at Gray Gables from the hours of 12:00 pm – 4:00 pm. Chm. Pickard said he understands Ms. Dwyer’s position, and it is up to the TA as to where he allocates the funds.

Mr. Daniel Botelho – TA Guerino explained Mr. Botello is a candidate for office and asked to come before the board. Mr. Botelho is an Independent candidate as a Congressional candidate for District 9. He is a veteran supporter; a fair tax supporter; for responsible for energy policy (putting turbines in areas that make sense); in favor of immigration reform and entitlement reform. For more information call (774) 226-VOTE. Or Google DanielBotelhoForCongress.

Approval of minutes –regular meeting minutes of 5/22/12

Meier asked to table minutes. Baldwin MOVED and SECONDED by Meier to defer minutes to the 6/5/12 regular meeting. VOTE 5-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator’s office.

Meier received an e-mail from Ms. Kelly Morley which will be included in the correspondence for the next meeting.

Town Administrator’s review

Meier disclosure – mother is an employee of the Town of the Bourne. ASK PETER TO ADD Disclosure ...

Chm. Pickard –The overall rating is 2.07 - Satisfactory.

Overall Summary

A. Relationship with the board	1.58 – Satisfactory
B. Financial Management	2.65 – Strong
C. Town Management	1.70 – Satisfactory
D. Community & Public Relations	2.70 - Strong
E. Accomplishment or Progress on Goals	1.75 – Satisfactory
Overall Rating with the Board	2.07 - Satisfactory

Items A – E were briefly reviewed by Chm. Pickard.

TA Guerino said comments under Town Management are incorrect.

Board Re-organization

Ford MOVED and SECONDED by Baldwin to appoint Peter Meier as Clerk to the Board of Selectmen. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to appoint John Ford as Chairman to the Board of Selectmen. VOTE 5-0.

Ford MOVED and SECONDED by Meier to appoint Pickard as Vice Chairman to the Board of Selectmen. VOTE 3-2 (Baldwin, Zuern).

Meier MOVED and SECONDED by Pickard to take Item 11b out of order. VOTE 5-0.

Robert S. Troy, Town Counsel regarding Waterways Regulations, et. al.

Chm. Ford asked Atty. Troy to breakdown. Decisions were received on 4/19/12 and also received on 2/2/12 and 4/30/12 and 5/29/12.

2/2/12 – 1st opinion – Board or Harbormaster has authority with regard to regulations. Harbormaster has statutory rights, but Selectmen shared in the area of policy. Differentiation when policy vs. administrative will come on a case by case basis.

3/16/12 – 2nd opinion - town has the right to restrict the Harbormaster. Legislature didn't allow in the field of harbor regulation; Harbormaster plays a statutory in his role of the harbormaster. In terms of policy, board has authority to adopt policy. Harbormaster has rights in the area of moorings under State law.

V. Chm. Pickard – asked Atty. Troy specifically with regards to moorings. Historically the board has signed moorings regulations. It seems if the Harbormaster formulates, does the board need to sign the regulations? Atty. Troy believes the board promulgates the rules. The board can sign the rules and regulations with regards to the waterways. With regard to moorings, the board may give guidance but the Harbormaster's decision is final.

Chm. Ford – would like to have definition of commercial and non-commercial mooring definitions and who gets them as policy. Policies are made at the Department of Natural Resources.

Mr. Mullen - no clear cut definition for commercial moorings. He has worked with the Shore & Harbor Committee (SHC). As far as what a commercial mooring can do/cannot do, they are used not only by marinas, but boatyards, boat brokers, dock installers and mooring installers.

Mr. Mullen – believes fee regulations should be a policy. Chm. Ford recommends the board come up with a bylaw to address, but is not sure what the bylaw could include. It seems the Harbormaster can enforce the policy and the board can make the policy.

Pickard – feels these questions come from the boating public and the board wants to know where this is all formulated. The public likes to have input with the political board they elect.

Chm. Ford – when decisions come back, it is good to know what questions are being asked. Opinions should be sent to the Harbormaster then to the public to get the big picture.

Atty. Troy – Chapter 90B allows for local regulation, including through Town Meeting, the use of waterway regulations. Use of moorings is separate from the regulations. The State has not been upfront in giving local government interpretation. He suggested seeking SHC involvement and/or a group the board sits on and to identify questions. Atty. Troy will review and get back to the board.

Chm. Ford – commercial mooring can be sold. Mr. Mullen said it is discretionary to an extent. If you look at specifically how moorings are transferrable, the State law doesn't differentiate between commercial and non-commercial moorings.

Pickard – there is nothing in the waterway regulations that says one who owns 10 moorings can use discretionary.

Zuern – moorings handed down to family members. Mr. Mullen said this is how discussions began; it falls within the jurisdiction of the Harbormaster.

Chm. Ford – there is no issue with Mr. Mullen working with the board. He wants to know where the authority begins and ends.

Mr. Mullen – issues have come up between commercial and non-commercial moorings.

Chm. Ford – raised issue with someone who had 6 moorings which means they have 6 boats. Mr. Mullen said no one since then has been able to obtain a 4th permit. Annually, every permit holder is required to prove they have a boat for each permit.

Zuern – if wanted to change regulations or add, the board can do this. Atty. Troy said with respect to commercial and non-commercial moorings, the board has the authority if it wants to issue regulations with respect to moorings. The authority is tempted by the State law authority and it is the Harbormaster's sole authority. There are other parts of the regulations where the State allows the board to set rules.

Atty. Troy – recommended rather than do at a Selectmen's meeting, come up with a list of subjects to examine who makes recommendations back to the board and if there are any legal questions. The law is murky as the towns do differently and the state doesn't want to butt in.

Mr. Mulvey – this seems to be giving the power to the board. It is clear under the State law, where there is a Harbormaster, the tidal waters of MA and the land beneath are under the province of the Harbormaster. Difference of opinion hangs on the waterways. The board has the right to set fees.

Atty. Brian Wall – with regard to authority, when the Harbormaster makes a decision, the board can make the policy. Chapter 90 deals with regulating speed, which comes from the police power. Chapter 102 deals with the boarding of vessels, also a police power. Chapter 91 deals with public trust rights, where the public can traverse public waters. It exists to protect the public when accessing the water and their ability to navigate it. When the board exercises their authority, ultimately the Harbormaster has to enact and promote the policy to maintain a fair and equitable list for the moorings if the Harbormaster determines contrary to the purpose of Chapter 91.

Mr. York – agrees with Mr. Mulvey, however, there has been a process where the Harbormaster writes and the board approves them. As a member of the public, he is in favor of the forum and to be notified.

Presentation by the Cape Cod Commission re: Wastewater Protection Collaborative (Andrew Gottlieb)

Mr. Gottlieb is not present tonight. TA Guerino will follow-up with him. Zuern sent questions and concerns and gave Mr. Gottlieb a judgment call as to whether or not to be present tonight.

MEP – Umass Dartmouth – Squeteague/Megansett

Zuern—saw \$57,000 in the budget for estuary studies for Squeteague Harbor. She had gone to the meetings when MEP was working on the Phinney's Harbor study and saw assumptions that weren't making sense to her. She didn't believe anything was ever presented to the board at that time.

She asked why consider a treatment plant

When she saw the amount in the budget at Town Meeting for Squeteague Harbor she was concerned this money would be wasted. Apparently, Falmouth needs the study done; Bourne's portion is \$54,000 and Falmouth's portion is \$24,000.

TA Guerino went back into the history as he originally cancelled contract with UMass Dartmouth going back to 2009. DEP and UMass came to an agreement. A year and a half ago, he received a letter from Falmouth to review and urging Bourne to go forward. Bourne wasn't planning to go forward. Falmouth asked Bourne if it could take money from CPA funds (like Falmouth), which wasn't going to happen in Bourne. Last Fall Town Meeting, Selectmen determined it wasn't appropriate at the STM but to bring to the ATM. At the Capital Outlay Committee meeting, it was determined something that needed to be done in Squeteague. Capital Outlay brought before the board and all of the issues bringing forward. The board voted to adopt as presented by Capital Outlay and went to ATM. It was adopted by ATM. Zuern brings up good points. It is something that Bourne needs to do, which is to top the project. Mr. Mulvey and TA had discussions on funding sources. To date, it was passed by ATM to move forward. TA suggests the plan needs to be adopted by the board; if board does not want to move forward, he doesn't have strong opinion either way. It is primarily CWMP, not that DEP on board with science moving forward Bourne was first to cancel. The third was have to do, try to do together assuming had to get done. To summarize, there is a Comprehensive Wastewater Management Plan (CWMP), science verified and Bourne is practicing good neighborhood policy.

Pickard—feels the board is not in a position to take a vote.

Zuern - requested two people that are present tonight to be allowed to make their presentations.

Mr. Seaver – has been monitoring estuaries since back in 1987. He took a sample this morning; it is scientifically reviewed and written up. Several data sources indicate a CWMP will have to be done again. In 2005 the nitrate source was improved. His studies are non-related to a septic system, but does include dredging of ponds. The study has to be done within a few years of when this CWMP is to be done. There is good data available.

Mr. York – funds available in terms of a capital CWMP. Several estuaries in town have not been studied and discontinued working. If the town wants a CWMP, did Capital Outlay agree to study the other end of the town where there is not much of looking into sewer in that area. He is surprised that Bourne is paying more than Falmouth.

TA Guerino – there has always been an issue with the estuary lines between Falmouth and Bourne. Mr. Mullen has been unable to enforce regulations because he doesn't know where the lines are.

Zuern – commented on Mr. Seaver's Cataumet Civic Association testing. Mr. Seaver's analysis costs \$500 a year, but Mr. Seaver is not paid for his time. He is willing to share his findings with Falmouth and with DEP.

Zuern – if the town has to complete the study, can the town go with the study already done. TA Guerino said that is the only money has been appropriated for the study.

Chm. Ford – take Pickard’s recommendation to bring a member of Capital Outlay Committee before the board. Mr. Seever’s fear is that it is more than \$54,000.

Zuern - \$16,000 already been spent in Pocasset and some in Megansett. TA Guerino said the total to spend is \$141,000.

Mr. Mulvey – estuaries study given to the board in the past. Buttermilk Bay is not included as it is three different watersheds (Bourne, Wareham and Plymouth). Each tasks are assigned a dollar value. Totaled and are split. Town’s share is not the total cost. Town’s cost is zeroed out behind Eel Pond. The cost of Eel Pond was through ISWM as they wanted a baseline for the future. Of the five estuaries, Phinney’s Harbor was done in some detail and is complete (a deliverable); there are no other deliverables. Megansett/Squeteague was supposed to be the third estuary done for \$54,750 which is an old cost. This was under Coastal Zone Management called “linked watershed invadement model”.

T A Guerino – a CWMP needs be done. Bourne has spent monies prior to cancelling the contract. He agrees with Pickard in getting necessary parties in to discuss further.

Zuern – some of the testing has been done. She received a report today and will forward to TA Guerino who will get said study on cd form for the board.

Mr. York – if Bourne begins to spend money on this MEP type of study, he believes the State requires a CWMP and the only model accepted is the UMass Dartmouth model. The town should prioritize in terms to where it will put sewers in town.

TA Guerino – CWMP is needed for wastewater treatment. The sewer relative to Buzzards Bay, deals with capacity and the science has been determined. Buttermilk was left out as it was already considered.

Mr. Mulvey – Tidal flow into and out of Squeteague are linked and Falmouth cannot do a complete study on their own.

Licenses/Appointments/Easements

a. Sagamore Beach Colony – Four (4) One Day Liquor Licenses

Pickard MOVED and SECONDED by Zuern to approve request for four (4) One Day Liquor licenses to John M. Adams at PO Box 417 Sagamore Beach on 7/13/12 from 6:30 pm – 9:00 pm (Corn Hole Tournament); 7/14/12 from 6:30 pm - 9:00 pm (Family Night) ; 7/21/12 from 6:30 pm – 9:00 pm (Annual Fund Raiser); and 8/11/12 from 6:30 pm – 9:00 pm (August Fest Social), per routing slip. VOTE 5-0.

b. Senor` Trappers – Common Victualer

Meier MOVED and SECONDED by Baldwin to approve request for Common Victualer license for Paul Levesque, Manager at 71 & 73 Main Street, Buzzards Bay, per routing slip (BOH and FD). VOTE 5-0.

Selectmen's business

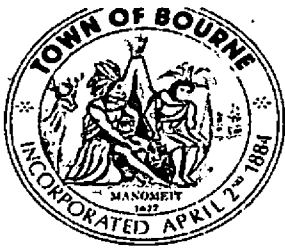
a. Set goals date

TA Guerino will facilitate rather than getting an outside source to save money. He will get back to the board at the 6/12/12 meeting.

Adjournment

Meier MOVED and SECONDED by Pickard to adjourn meeting. Meeting adjourned at 9:15 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



6:00 p.m. - EXECUTIVE SESSION

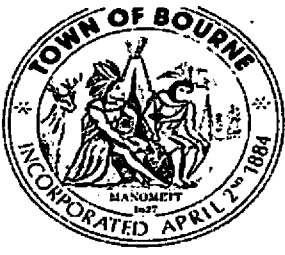
To consider the discipline of and to hear complaints or charges brought against the Town Administrator, with respect to representations made to the Board of Selectmen regarding the hiring process for the Council on Aging Director

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday June 5, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-5) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Public Comment – Non-Agenda Items
 4. Minutes : 05.22.12 & 05.29.12
 5. Correspondence
6. Licenses/Appointments:
- a. Committee Renewals: Board of Appeals, Conservation, Constables, Registrar of Voters, Shore and Harbor & Trustees of Bourne Veterans' Memorial Community Center
 - b. MMA at Beachmoor - One Day Liquor
 - c. Common Victualer License
 1. DeMoulas Supermarkets, Inc., (Market Basket)
 2. Shawn Patrick's Ice Cream – Change of Address
7. Friends of the Hoxie School Presentation and Proposal
 8. Shore and Harbor Committee – Harbor Master – Commercial Mooring update and report
 9. Disposition of surplus property (DNR boat, motor and trailer)
 10. Set final date for joint session regarding Wastewater Advisory Committee report. (7/10/12)
 11. Set Goals date – (6/12/12)
 12. Town Administrator's business
 - a. Dedication – Three Mile Look – in memoriam Roland Dupont
 13. Selectmen's business
 14. Adjourn

2012 JUN 1 PM 2 06
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice AGENDA AMENDED



6:00 p.m. - EXECUTIVE SESSION

To consider the discipline of and to hear complaints or charges brought against the Town Administrator, with respect to representations made to the Board of Selectmen regarding the hiring process for the Council on Aging Director and Pending Litigation – Fire Fighter Doherty

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday June 5, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

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 - b. MMA at Beachmoor - One Day Liquor
 - c. Common Victualer License
 1. DeMoulas Supermarkets, Inc., (Market Basket)
 2. Shawn Patrick's Ice Cream – Change of Address
 3. Mezza Luna – entertainment license
7. Friends of the Hoxie School Presentation and Proposal
 8. Shore and Harbor Committee – Harbor Master – Commercial Mooring update and report
 9. Disposition of surplus property (DNR boat, motor and trailer)
 10. Set final date for joint session regarding Wastewater Advisory Committee report. (7/10/12)
 11. Set Goals date – (6/12/12)
 12. Town Administrator's business
 - a. Dedication – Three Mile Look – in memoriam Roland Dupont
 13. Selectmen's business
 14. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Executive Session Minutes
June 05, 2012 – Bourne Veterans Memorial Community Building

2012 JUN 25 PM 8 20
TOWN CLERK'S OFFICE
BOURNE, MASS

Chairman Ford called the public session meeting to order at 6:01 P.M.

Mr. Pickard moved that the Board enter executive session to consider discipline of and to hear complaints or charges brought against the Town Administrator, with respect to representations made to the Board of Selectmen regarding the hiring process of the Council on Aging Director, and to be updated on litigation regarding former fire fighter Richard Doherty, and to reconvene in open session at the conclusion of the Executive session. The motion was seconded by Mr. Zuern and by roll call vote agreed to by the board.

Ms. Zuern, Yes – Mr. Pickard, Yes – Mr. Meier, Abstain – Mr. Baldwin, Yes – Chairman Ford, Yes.

Town Counsel Robert S. Troy and Attorney Craig Jordan were present to update the Board of the Doherty case. He provided a detailed history to bring Ms. Zuern up to date. He further informed the Board that Chief Green and Chief Woodside did a "great job" on the case. The Town provided a vigorous case and was upheld on every count brought forward with the exception of the issue of truthfulness by Mr. Doherty. The Civil Service Commission reduced the penalty from discharge to a 15 month suspension with no accumulation of benefits; tenure, etc. If not appeal is date to be placed back on payroll is May 17, 2012. The Town will appeal.

Attorney Troy further discussed the issues surrounding the filing for disability retirement and that the request for a disability retirement from a physical perspective was denied by the retirement Board but the request for a psychological disability retirement has been approved by the County retirement Board, recommended by the medical panel and is currently moving for disposition at PERAC.

Attorney Troy explained the process and areas for appeal and serious concerns regarding Mr. Doherty's mental stability based on comments made to the medical panel. Mr. Ford believed this was a good case for appeal to Superior Court and the issue of moving for an involuntary retirement was also discussed.

Mr. Meier made a motion to request that Counsel research the question(s) regarding the findings of the medical panel being submitted to the Civil Service Commission "in camera." Ms. Zuern seconded the Motion and by roll call vote was unanimously agreed to by the Board.

Ms. Zuern, Yes – Mr. Pickard, Yes – Mr. Meier, Abstain – Mr. Baldwin, Yes – Chairman Ford, Yes.

Mr. Meier excused himself from the proceedings at 6:36. P.M.

This section of the minutes are submitted,

Thomas M. Guerino, Town Administrator

Board of Selectmen
Minutes of June 5, 2012
Bourne Community Building
Bourne, MA 02532

2012 SEP 10 PM 1 12
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- Hoxie Center For Art, Science and Culture proposals of Option A and Option B dated 6/5/12 – 4 pages

Pickard MOVED and SECONDED by Zuern at 6:00 pm to go into Executive Session to consider discipline of and to her complaints or charges brought against the Town Administrator, with respect to representations made to the Board regarding the hiring process for the Council on Aging Director and Pending Litigation – Fire Fighter Doherty and to reconvene in public session at 7:00 pm. Roll Call – Pickard – yes; Baldwin – yes; Zuern – yes and Pickard - yes. *Meier recused himself from discussion and vote.*

Meeting called to order

7:10 pm by Chm. Pickard

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

Moment of Silence/Salute the Flag

TA Guerino requested the board and the members of the public to recognize the Springfield police officer that was recently killed in the line of duty.

Public Comment

Mr. Agrillo requested a copy of the approved board minutes with regard to the School Committee Bourne Representative vote. TA Guerino will give copy.

Approval of minutes

Meier MOVED and SECONDED by Baldwin to approve minutes of 5/22/12 as amended. VOTE 5-0.

Meier MOVED and SECONDED by Pickard to approve minutes of 5/29/12 as amended. VOTE 5-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Licenses/Appointments/Easements

a. Committee Renewals

Pickard MOVED and SECONDED by Meier to re-appoint Lee M. Berger to the Board of Appeals for a term to expire 6/30/17. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to re-appoint Associate Members: Thomas Armstrong, Harold Kalick and John O'Brien for terms to expire 6/30/13. VOTE 5-0.

Pickard MOVED and SECONDED by Melvin to re-appoint Robert Gray, Melvin Peter Holmes and Susan Weston to the Conservation Commission for terms to expire 6/30/15. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to re-appoint Associate members Michael Gratis, Michael Leutze and Thomas Liger for terms to expire 6/30/13. VOTE 5-0.

At this time, Pickard recused himself for discussion and vote on Constables re-appointment.

Meier MOVED and SECONDED by Zuern to re-appoint Charles Devlin, Lee Gresh, Russell McAllister, Donald Pickard and Dennis Woodside to the Constables for terms to expire 6/30/13. VOTE 4-0.

Meier MOVED and SECONDED by Zuern to re-appoint Adelaide Carrara to the Register of Voters for a term to expire 6/30/15. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to re-appoint Paul Bushueff, Irving Salley and David Wiggin to the Shore & Harbor Committee for terms to expire 6/30/15. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to re-appoint John Ford to the Trustees of Bourne Veterans' Memorial Community Center term for duration of Chairman of the Selectmen. VOTE 5-0.

TA Guerino said moving forward, more re-appointments/appointments will be coming before the board. He added there are a lot of openings and encouraged interested parties to contact his office for what is available.

b. MMA at Beachmoor – One Day Liquor

Pickard MOVED and SECONDED by Zuern to approve MMA request for One Day Liquor License at 101 Academy Drive Buzzards Bay for a wedding at 11 Buttermilk Way, Buzzards Bay on 7/21/12 from 11:30 am – 4:00 pm per routing slip. VOTE 5-0.

c. Common Victualer License

a. DeMoulas Supermarkets, Inc. (Market Basket)

Pickard MOVED and SECONDED by Zuern to approve Market Basket at 1 Factory Outlet Way, Factory Outlet Mall request for Common Victualer License per routing slip. VOTE 5-0.

b. Shawn Patrick's Ice Cream – Change of Address

Pickard MOVED and SECONDED by Zuern to approve Shawn Patrick's Ice Cream at 89 Main Street, Buzzards Bay request for Change of Address to 71-73 Main Street, Buzzards Bay per routing slip. VOTE 5-0. *TA Guerino said bylaws haven't been approved et by the AG at this time. Pickard recommended to approve upon routing notes. Meier explained issue of a sign being an over sized boat sail which was a distraction; the Building Inspector (BI) asked signs to be taken down. TA Guerino to notify BI of approval.*

c. Mezza Luna – Entertainment License

E.J. Cubellis requesting indoor entertainment using one person from 9:00 pm – 12:00 am. Mr. Agrillo spoke in favor of request.

Pickard MOVED and SECONDED by Meier to approve Mezza Luna at 253 Main Street, Buzzards Bay request for Entertainment License for weekday/Sunday, per routing slip. VOTE 5-0.

Friends of the Hoxie School Presentation and Proposal

TA Guerino introduced the Friends' proposal to present to the board. Ms. Alyson Bizer-Knox handed out "Option A" and "Option B" documents on behalf of the Friends for the board's consideration. She then introduced Mr. Robert Narsh from the Cultural Center of Cape Cod who gave a brief presentation. Mr. Nash believes the Hoxie School could be a mirror image of the Center and would like to see in Sagamore Beach.

Options A & B will be discussed at a future meeting for time to be reviewed by the board. TA Guerino suggested to the Friends considering a center in New Bedford as a possibility.

Shore & Harbor Committee – Harbor Master – Commercial Mooring update and report

Report given to the board is the work of the Shore & Harbor Committee (SHC) with the Harbormaster (HM) Tim Mullen. Mr. Libin, Chm of SHC, explained the committee was charged with looking at commercial mooring and recommendations. SHC did feel commercial moorings were important not only to the town but to the businesses. Commercial moorings bring in

more revenue than non-commercial moorings. Mr. Libin said limits weren't reviewed at this time, but believes there is a handful on the waiting list for commercial; all others are non-commercial waiting.

Mr. Libin explained non-commercial mooring is for one boat, one owner and cannot be used any other purpose. Commercial is assigned to an owner and limited; can be rented, leased or bartered.

Pickard – relative to the passing of moorings, only amendment looking for is the definitions. Mr. Libin explained a commercial mooring can be sold as part of a business with permission of the HM. Pickard said there is nothing in the definition that mentions the passing of moorings; however the summary does.

TA Guerino – to summarize Town Counsel's report to the board with regard to moorings, he suggested the board continue to bring policy on Waterway Regulations into the document as proposed by HM or the board as a guide for HM to use; it is important the board continues to take this role. A conflict arose under Chapter 91, in which the HM has final discretion, if necessary. Guerino asked if the board if they would consider looking at commercial moorings that are leased and re-cooping a heftier profit per year, looking at fees for commercial moorings and make more in line of getting a healthier fee for the town.

Chm. Ford – Chapter 91 on moorings makes no distinctions between commercial and non-commercial and brought up Chatham issue. He would like to hear HM concurrence of the SHC report prior to Town Counsel review and putting into regulations.

Mr. Mullen – looked at the definitions, believes they are appropriate and concurs with the SHC report.

Chm. Ford – would like to bring SHC report to Town Counsel to include into the Waterways Rules and Regulations for next year.

Chm. Ford – asked about people on waiting list for commercial moorings. Mr. Mullen – no marinas are on the list; only a boat yard, and a boat builder.

TA Guerino – asked if boatyards wanting to add moorings would have to go on the waiting list. Mr. Mullen responded yes.

Mr. Agrillo – is in support of Mr. Mullen.

Mr. Mulvey – reminded the board that all mooring permit owners own is the anchor, mooring and the chain and have a permit to put their own private tackle on a position in the water.

TA Guerino to send Town Counsel the SHC report for forming, content and legality and to bring before the board in a future hearing.

Disposition of surplus property (DNR boat, motor and trailer)

Tim Mullen requesting to declare as surplus equipment:

- 1990 Carolina Skiff
- 50 HP Mercury 4 stroke Outboard Motor
- Caravan Trailer – 22 yr old work boat

Pickard MOVED and SECONDED by Meier to declare 19-foot 1990 Carolina Skiff; 50 HP Mercury Outboard Motor; and Caravan Trailer to be deemed surplus property. VOTE 5-0.

TA Guerino will request advertisement done by Cheryl Campbell.

Set final date for joint session regarding Wastewater Advisory Committee report (7/10/12)

TA Guerino asked the school and is awaiting final approval and expects. Once confirmation he will notified all parties.

Set Goals date – (6/12/12)

Meeting on 6/12/12 at 6:30 pm in the smaller room adjacent to this the board's regular meeting room.

Town Administrator's business

Gray Gables - Lifeguards

TA Guerino's discussed his earlier recommendations of lifeguards at various beaches in town and explained up until two years ago, monies derived from swimming lessons went into the General Fund and were utilized towards the general revenue at setting the town's tax rate. These monies couldn't be set into a revolving account. Last year the town didn't have swimming lessons and therefore there was a break in that service of income and expense and the town wasn't using the fee base for setting taxes. TA Guerino said he is planning to utilize swimming lesson money to be put into the revolving account which is new money and not budgeted. Based on last time of swimming lessons, the swimming lessons generated about \$8,000. TA Guerino reviewed numbers and looked at a number of different ways to try to respect what was done at Town Meeting (TM). He believes that utilizing \$3,000 to \$5,000 for this year only, the town would be able to fund five (5) beaches and to preclude two sets of swimming lessons. Based on numbers and parking since the last board meeting, he believes it is prudent and in consort with TM vote, to guard the 3 beaches previously discussed and to include Hen Cove; putting in a lifeguard full-time provided the town receives sufficient qualified applications for lifeguards at Gray Gables. Looking at all the information, this is in consort with the vote taken at Town Meeting. For the record, currently there are not enough guards for four (4) beaches. He is confident the town will have the number of guards needed to do so, but if the town does not have enough qualified applicants, it will be 3 originally beaches with lifeguards with Hens Cove and Gray Gables in that order. He spoke with some of the board members prior to tonight's meeting and would like the board's concurrence for TA Guerino to do so.

Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

Ms. Dwyer – thanked TA Guerino and the board for helping out Gray Gables.

a. Dedication – Three Mile Look – in memorandum of Roland Dupont

Dedication of a Compass Rose in honor of Roland Dupont on 6/14/12 from 11:00 am – 12:00 pm at Perry Avenue, Buzzards Bay. Speakers and ceremony will honor Roland Dupont for his vision and dedication to community service.

TA was at Mass Managers Spring meeting in Lennox last week. Representation from over 100 managers and administrators. Will be asked to host 2013 international and city county manager in Boston and asked to participate.

Selectmen's business

Zuern – attended BHS graduation ceremony; attended ceremony at the Fire Station – has water mark from Hurricane of 1938.

Chm. Ford – attended Community Building Senior Center Volunteer of the Year with Zuern, Pickard and Meier; attended the Kevin Farr's retirement party; requested a joint meeting with the board and FinCom with regard to the town audit. TA Guerino will set up.

Meier – there will be a meeting on 6/9/12 at the Mass Maritime at 11:00 am with regard to parking issues.

Adjournment

Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 8:35 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

Board of Selectmen
Minutes of June 5, 2012
Bourne Community Building
Bourne, MA 02532

2012 AUG 24 PM 2 49

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

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7:10 pm by Chm. Pickard

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Public Comment

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Pickard MOVED and SECONDED by Meier to re-appoint Associate Members: Thomas Armstrong, Harold Kalick and John O'Brien for terms to expire 6/30/13. VOTE 5-0.

Pickard MOVED and SECONDED by Melvin to re-appoint Robert Gray, Melvin Peter Holmes and Susan Weston to the Conservation Commission for terms to expire 6/30/15. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to re-appoint Associate members Michael Gratis, Michael Leutze and Thomas Liger for terms to expire 6/30/13. VOTE 5-0.

At this time, Pickard recused himself for discussion and vote on Constables re-appointment.

Meier MOVED and SECONDED by Zuern to re-appoint Charles Devlin, Lee Gresh, Russell McAllister, Donald Pickard and Dennis Woodside to the Constables for terms to expire 6/30/13. VOTE 4-0.

Meier MOVED and SECONDED by Zuern to re-appoint Adelaide Carrara to the Register of Voters for a term to expire 6/30/15. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to re-appoint Paul Bushueff, Irving Salley and David Wiggin to the Shore & Harbor Committee for terms to expire 6/30/15. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to re-appoint John Ford to the Trustees of Bourne Veterans' Memorial Community Center term for duration of Chairman of the Selectmen. VOTE 5-0.

TA Guerino said moving forward, more re-appointments/appointments will be coming before the board. He added there are a lot of openings and encouraged interested parties to contact his office for what is available.

b. MMA at Beachmoor – One Day Liquor

Pickard MOVED and SECONDED by Zuern to approve MMA request for One Day Liquor License at 101 Academy Drive Buzzards Bay for a wedding at 11 Buttermilk Way, Buzzards Bay on 7/21/12 from 11:30 am – 4:00 pm per routing slip. VOTE 5-0.

c. Common Victualer License

a. DeMoulas Supermarkets, Inc. (Market Basket)

Pickard MOVED and SECONDED by Zuern to approve Market Basket at 1 Factory Outlet Way, Factory Outlet Mall request for Common Victualer License per routing slip. VOTE 5-0.

b. Shawn Patrick's Ice Cream – Change of Address

Pickard MOVED and SECONDED by Zuern to approve Shawn Patrick's Ice Cream at 89 Main Street, Buzzards Bay request for Change of Address to 71-73 Main Street, Buzzards Bay per routing slip. VOTE 5-0. *TA Guerino said bylaws haven't been approved et by the AG at this time. Pickard recommended to approve upon routing notes. Meier explained issue of a sign being an over sized boat sail which was a distraction; the Building Inspector (BI) asked signs to be taken down. TA Guerino to notify BI of approval.*

c. Mezza Luna – Entertainment License

E.J. Cubellis requesting indoor entertainment using one person from 9:00 pm – 12:00 am. Mr. Agrillo spoke in favor of request.

Pickard MOVED and SECONDED by Meier to approve Mezza Luna at 253 Main Street, Buzzards Bay request for Entertainment License for weekday/Sunday, per routing slip. VOTE 5-0.

Friends of the Hoxie School Presentation and Proposal

TA Guerino introduced the Friends' proposal to present to the board. Ms. Alyson Bizer-Knox handed out "Option A" and "Option B" documents on behalf of the Friends for the board's consideration. She then introduced Mr. Robert Narsh from the Cultural Center of Cape Cod who gave a brief presentation. Mr. Nash believes the Hoxie School could be a mirror image of the Center and would like to see in Sagamore Beach.

Options A & B will be discussed at a future meeting for time to be reviewed by the board. TA Guerino suggested to the Friends considering a center in New Bedford as a possibility.

Shore & Harbor Committee – Harbor Master – Commercial Mooring update and report

Report given to the board is the work of the Shore & Harbor Committee (SHC) with the Harbormaster (HM) Tim Mullen. Mr. Libin, Chm of SHC, explained the committee was charged with looking at commercial mooring and recommendations. SHC did feel commercial moorings were important not only to the town but to the businesses. Commercial moorings bring in

more revenue than non-commercial moorings. Mr. Libin said limits weren't reviewed at this time, but believes there is a handful on the waiting list for commercial; all others are non-commercial waiting.

Mr. Libin explained non-commercial mooring is for one boat, one owner and cannot be used any other purpose. Commercial is assigned to an owner and limited; can be rented, leased or bartered.

Pickard – relative to the passing of moorings, only amendment looking for is the definitions. Mr. Libin explained a commercial mooring can be sold as part of a business with permission of the HM. Pickard said there is nothing in the definition that mentions the passing of moorings; however the summary does.

TA Guerino – to summarize Town Counsel's report to the board with regard to moorings, he suggested the board continue to bring policy on Waterway Regulations into the document as proposed by HM or the board as a guide for HM to use; it is important the board continues to take this role. A conflict arose under Chapter 91, in which the HM has final discretion, if necessary. Guerino asked if the board if they would consider looking at commercial moorings that are leased and re-cooping a heftier profit per year, looking at fees for commercial moorings and make more in line of getting a healthier fee for the town.

Chm. Ford – Chapter 91 on moorings makes no distinctions between commercial and non-commercial and brought up Chatham issue. He would like to hear HM concurrence of the SHC report prior to Town Counsel review and putting into regulations.

Mr. Mullen – looked at the definitions, believes they are appropriate and concurs with the SHC report.

Chm. Ford – would like to bring SHC report to Town Counsel to include into the Waterways Rules and Regulations for next year.

Chm. Ford – asked about people on waiting list for commercial moorings. Mr. Mullen – no marinas are on the list; only a boat yard, and a boat builder.

TA Guerino – asked if boatyards wanting to add moorings would have to go on the waiting list. Mr. Mullen responded yes.

Mr. Agrillo – is in support of Mr. Mullen.

Mr. Mulvey – reminded the board that all mooring permit owners own is the anchor, mooring and the chain and have a permit to put their own private tackle on a position in the water.

TA Guerino to send Town Counsel the SHC report for forming, content and legality and to bring before the board in a future hearing.

Disposition of surplus property (DNR boat, motor and trailer)

Tim Mullen requesting to declare as surplus equipment:

- 1990 Carolina Skiff
- 50 HP Mercury 4 stroke Outboard Motor
- Caravan Trailer – 22 yr old work boat

Pickard MOVED and SECONDED by Meier to declare 19-foot 1990 Carolina Skiff; 50 HP Mercury Outboard Motor; and Caravan Trailer to be deemed surplus property. VOTE 5-0.

TA Guerino will request advertisement done by Cheryl Campbell.

Set final date for joint session regarding Wastewater Advisory Committee report (7/10/12)

TA Guerino asked the school and is awaiting final approval and expects. Once confirmation he will notified all parties.

Set Goals date – (6/12/12)

Meeting on 6/12/12 at 6:30 pm in the smaller room adjacent to this the board's regular meeting room.

Town Administrator's business

Gray Gables - Lifeguards

TA Guerino's discussed his earlier recommendations of lifeguards at various beaches in town and explained up until two years ago, monies derived from swimming lessons went into the General Fund and were utilized towards the general revenue at setting the town's tax rate. These monies couldn't be set into a revolving account. Last year the town didn't have swimming lessons and therefore there was a break in that service of income and expense and the town wasn't using the fee base for setting taxes. TA Guerino said he is planning to utilize swimming lesson money to be put into the revolving account which is new money and not budgeted. Based on last time of swimming lessons, the swimming lessons generated about \$8,000. TA Guerino reviewed numbers and looked at a number of different ways to try to respect what was done at Town Meeting (TM). He believes that utilizing \$3,000 to \$5,000 for this year only, the town would be able to fund five (5) beaches and to preclude two sets of swimming lessons. Based on numbers and parking since the last board meeting, he believes it is prudent and in consort with TM vote, to guard the 3 beaches previously discussed and to include Hen Cove; putting in a lifeguard full-time provided the town receives sufficient qualified applications for lifeguards at Gray Gables. Looking at all the information, this is in consort with the vote taken at Town Meeting. For the record, currently there are not enough guards for four (4) beaches. He is confident the town will have the number of guards needed to do so, but if the town does not have enough qualified applicants, it will be 3 originally beaches with lifeguards with Hens Cove and Gray Gables in that order. He spoke with some of the board members prior to tonight's meeting and would like the board's concurrence for TA Guerino to do so.

Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

Ms. Dwyer – thanked TA Guerino and the board for helping out Gray Gables.

a. Dedication – Three Mile Look – in memorandum of Roland Dupont

Dedication of a Compass Rose in honor of Roland Dupont on 6/14/12 from 11:00 am – 12:00 pm at Perry Avenue, Buzzards Bay. Speakers and ceremony will honor Roland Dupont for his vision and dedication to community service.

TA was at Mass Managers Spring meeting in Lennox last week. Representation from over 100 managers and administrators. Will be asked to host 2013 international and city county manager in Boston and asked to participate.

Selectmen's business

Zuern – attended BHS graduation ceremony; attended ceremony at the Fire Station – has water mark from Hurricane of 1938.

Chm. Ford – attended Community Building Senior Center Volunteer of the Year with Zuern, Pickard and Meier; attended the Kevin Farr's retirement party; requested a joint meeting with the board and FinCom with regard to the town audit. TA Guerino will set up.

Meier – there will be a meeting on 6/9/12 at the Mass Maritime at 11:00 am with regard to parking issues.

Adjournment

Meier MOVED and SECONDED by Baldwin to adjourn meeting. Meeting adjourned at 8:35 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

EXECUTIVE SESSION MINUTES

JUNE 5, 2012

6PM

Board of Selectmen

Executive Session Minutes

June 05, 2012— Bourne Veterans Memorial Community Building

Chairman Ford called the public session meeting to order at 6:01 P.M.

Mr. Pickard moved that the Board enter executive session to consider discipline of and to hear complaints or charges brought against the Town Administrator, with respect to representations made to the Board of Selectmen regarding the hiring process of the Council on Aging Director, and to be updated on litigation regarding former fire fighter Richard Doherty, and to reconvene in open session at the conclusion of the Executive session. The motion was seconded by Mr. Zuern and by roll call vote agreed to by the board.

Ms. Zuern, Yes — Mr. Pickard, Yes Mr. Meier, Abstain — Mr. Baldwin, Yes Chairman Ford, Yes.

Section Two of the Minutes commencing at 6:36 P.M.

Full Board Present. John Ford, Don Pickard, Peter Meier, Earl Baldwin, Linda Zuern Town Counsel Robert Troy and Craig Jordan present to discuss Doherty matter, Troy. Town only lost untruthfulness issue on the disciplinary issue.

Doherty will be placed on payroll as of May 17, 2012

The decision must be appealed in 24 days.

Item Town Administrator Discipline 1835 hrs.

Meier Asked if he should remain during administrators discipline matter

Troy Suggested he should extract himself. Meier left the meeting

Ford Issues only concern the town administrator issues being:

Town Administrator not being truthful

What did the Town Administrator know and when did he know it.

Ford passed matter to Don Pickard as he was past chair of the board

Pickard May 22nd 2 page summary handed out, because of allegations we were forwarded an

email saying that the applicant was terminated. And that the HR Director held

information on the termination and did not disclose the information to the hiring

panel.

April 22nd response from Nadeau, Sunday 2pm to Hr Director. Response to that email was that

She was fired. T Guerino to Nadeau " I am differing your appointment until May 22nd"

Guerino Responds, I was aware of the issue, googled all applicants prior to the meeting.

Anyone that could not detect that she was terminated is not experienced at interviews. •

TA stated he did not lie, he believed the COA Chairman and COA acting Director should have picked up the fact applicant was fired by Fairhaven Selectmen, "She stated they asked me to leave. " and any experienced interviewer should have known what that meant.

Ford You assumed that backgrounds were done

The TA stated he assumed the HR Director would have completed a background investigation on the candidate. E-Mails showed HR director sent out request for information but never received any replies prior to approval.

Guerino I expected that backgrounds were done

PICARD You had a handful of notes form Osuch

Guerino. When I realized the response from Osuch was not included, I made contact with

Osuch The issues with Nadeau at Fairhaven were political and not from

incompetence. Comments were made regarding Ms. Blake

Ford. Do you think

Guerino. Troy did not respond it took 2 days to contact Osuch

TOWN CLERK'S OFFICE
BOURNE, MASS
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Pickard. Email to Roth not Osuch. Roth said it was not his place to respond. The email from Osuch

Not out until until the 23rd.

Guerino. I did not misinform the board with the information.

Ford. You had 50% of the hiring board that claimed the they were not informed of the Termination of the applicant

TA acknowledged that he knew of the firing because he googled her name and saw the newspaper article. The TA discussed same with HR director but not with the Chairman of the COA or the acting director of the COA who were also members of the interviewing/screening committee. The TA and HR director were using it to see if the candidate would be forth coming with the disclosures. The TA now believes this was an error in the process of the interview.

Guerino. Felt by hiring a professional, things would change. Hindsight might not be the right process.

Pickard. Why did you Google the names

Guerino. That's what I do

Zuern. Did you discuss that the applicant was fired?

Guerino. Can't say it was discussed before or after

Zuern. Review then decide if she would be interviewed

Guerino. Could have been done different. I did not lie. I reject the whole premise

Ford. In hindsight the information should have been mentioned

TA stated he made public announcement and newspaper article prior to getting approval of the Board of Selectmen who can veto the appointment.

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DISCUSSION ON CHARTER RESTRICTIONS

Chairman Ford then asked the Board of Selectmen if any of the Board members had a problem with the Past Chairman Piccard's process and his report to the Board for review.

Selectmen Earl had a problem with the process and did not believe any one Selectman can do this on his own and that it may be interfering with the operations of the Town.

VOTE was 3-1 on the process. Pickard, Ford, Zuern, Yes Baldwin NO

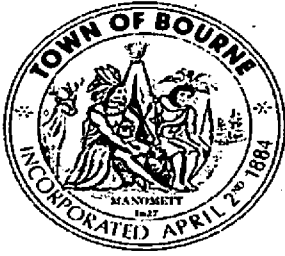
Selectmen Ford, Zuern and Pickard on a voice vote, disagreed with Selectmen Baldwin on this issue

Ford and Zuern say selectmen can get public record information from department heads, that the Charter does not restrict Selectmen.

Executive Session adjoined at 1900. Zuern moved for adjournment Pickard 2nd

Vote Pickard yes, Ford yes, Zuern yes, Baldwin yes

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TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice AMENDED AGENDA



6:00 Executive Session for the purpose of discussing pending litigation, including Doherty v. Town of Bourne

Date

Tuesday
June 12, 2012

Time

7:00 p.m.

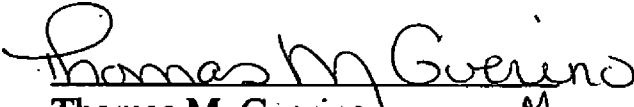
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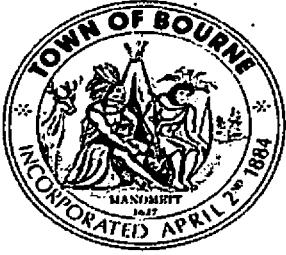
Bourne Veterans Memorial
Community Center
239 Main Street, Buzzards Bay

2012 JUN 11 AM 10 59
TOWN CLERK'S OFFICE
BOURNE, MASS

AGENDA

1. Open Meeting
2. Licenses/Appointments
 - a. Appointment of Richard White - Constable
3. Waiver fee for use of Sagamore Fire Station for renaming Sagamore Post Office.
4. Request from Charter Compliance Committee for expansion of Special Counsel's role.
5. Board of Selectmen Goal Session - Workshop
6. Adjourn


Thomas M. Guerino
Town Administrator



Board of Selectmen Meeting Notice AMENDED AGENDA



Date
Tuesday
June 12, 2012

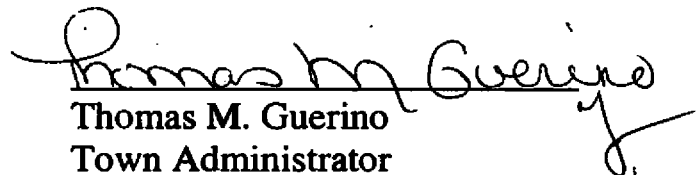
Time
6:30 p.m.

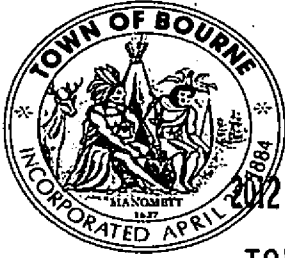
Location
Bourne Veterans Memorial
Community Center
239 Main Street, Buzzards Bay

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6. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS


Thomas M. Guerino
Town Administrator



Board of Selectmen Meeting Notice



Date
Tuesday
June 12, 2012

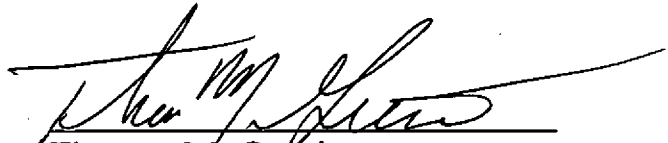
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BOURNE, MASS

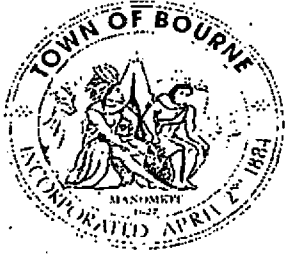
Time
6:30 p.m.

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

AGENDA

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3. Waiver fee for use of Sagamore Fire Station for renaming Sagamore Post Office.
4. Board of Selectmen Goal Session - Workshop
5. Adjourn


Thomas M. Guérino
Town Administrator



Board of Selectmen

Meeting Notice AMENDED AGENDA

TOWN CLERK'S OFFICE

BOURNE, MASS



6:00 Executive Session for the purpose of discussing pending litigation, including Doherty v. Town of Bourne

Date

Tuesday
June 12, 2012

Time

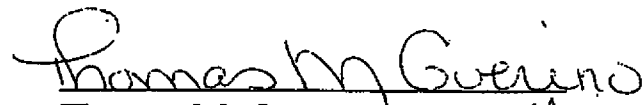
7:00 p.m.

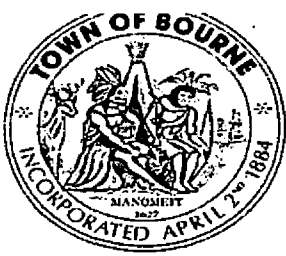
Location

Bourne Veterans Memorial
Community Center
239 Main Street, Buzzards Bay

AGENDA

1. Open Meeting
2. Licenses/Appointments
 - a. Appointment of Richard White - Constable
3. Waiver fee for use of Sagamore Fire Station for renaming Sagamore Post Office.
4. Request from Charter Compliance Committee for expansion of Special Counsel's role.
5. Board of Selectmen Goal Session - Workshop
6. Adjourn


Thomas M. Guerino
Town Administrator



Board of Selectmen Meeting Notice AGENDA



Executive Session 6:45 PM – BEA Contract

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday June 19, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

- 7:00 – 7:15 (Items 1-5) Call to order
1. Moment of Silence for our Troops
 2. Salute the Flag
 3. Public Comment – Non-Agenda Items
 4. Minutes : Executive minutes of 04.17.12 , 05.22.12; 06.12.12 Regular minutes 05.22.12; 05.29.12
 5. Correspondence
 6. Licenses/Appointments:
 - a. Bourne Community Boating - Phinney's Harbor Day
 - b. Stop sign request – Clark & Williston Road
 - c. Farmer's Market License
 - d. Committee Renewals
 7. Town Administrator's business
 8. Selectmen's business
 9. 1st reading of Personnel Policy
 10. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS

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Board of Selectmen
Executive Session Minutes
June 19, 2012 – Bourne Veterans Memorial Community Building

Chairman Ford called the public session meeting to order at 6:45 P.M.

Mr. Pickard made a motion to enter into Executive Session for the purpose of discussing contract negotiations with the Bourne Employees Association (BEA) and to return to open session. The MOTION was seconded by Mr. Meier and by a roll call vote was unanimously agreed to by the Board.

Ms. Zuern, excused – Mr. Pickard, Yes – Mr. Meier, Yes – Mr. Baldwin, Yes – Chairman Ford, Yes.

Town Administrator Guerino updated the Board on the conclusion of negotiations with the BEA. The updated included the agreement of the BEA and Town to reduce the sick leave buy-back provisions for members entering the BEA on or after July 1, 2012 to \$7,500.00. Current members would continue to receive \$15,000.00. Additionally, the group and Town agreed on modifications to bereavement leave similar to those agreed to by LIUNA. The Board voted to provide consensus to the TA's final contract provisions for the BEA via a roll call vote.

Mr. Pickard, Ys – Mr. Meier, Yes – Mr. Baldwin, Yes – Chairman Ford, Yes.

The Board and TA agreed to have Attorney Troy come to a future meeting to discuss the pros and cons of working to dissolve the BEA and work toward a pay plan and employment contracts with many of the current BEA membership.

A motion to adjourn the executive session and return to open session was made by Mr. Meier and seconded by Mr. Baldwin. The motin was greed to by the board via a roll call vote.

Mr. Pickard, Yes – Mr. Meier, Yes – Mr. Baldwin, Yes – Chairman Ford, Yes.

The meeting was adjourned at 7:02 P.M.

Submitted,

Thomas M. Guerino, Town Administrator

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TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of June 19, 2012
Bourne Community Building
Bourne, MA

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TA Guerino

TOWN CLERK'S OFFICE
BOURNE, MASS

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern (excused)

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

Pickard MOVED and SECONDED by Meier at 6:45 pm to go into Executive Session to BEA contract and to reconvene in public session at 7:00 pm. Roll Call – Pickard – yes; Baldwin – yes; Meier – yes; Ford - yes.

Meeting called to order
7:01 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment
None

Approval of minutes

Meier MOVED and SECONDED by Pickard to approve and encumber Executive Session minutes of 4/17/12 as submitted. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve and encumber Executive Session minutes of 5/22/12 as submitted. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve and encumber Executive Session minutes of 6/12/12 as submitted. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 5/22/12 as amended. VOTE 4-0.

Meier MOVED and SECONDED by Pickard to approve regular session minutes of 5/29/12 as submitted. VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Item F & Item G – Cape Light Compact audit will be conducted but most of issues stemming from CVEC. TA Guerino suggested having Mark Zielinski or Maggie Downey in before the board to discuss further (7/17/12).

Item K – Community Building use by outside organizations. Pickard asked if there is methodology by someone from the Friends to work in that area as they provide a service to the COA. TA Guerino had a similar discussion with the President of the Friends and will meet with Trustees to discuss the care, custody and control (control area is the concern) and if okay with the Board of Trustees, he will query Town Counsel for a more definitive opinion and then it will be up to the policy of the Trustees. He would like the opportunity to give expanded discussion to talk to the Trustees as a body.

Item H – PEG Equipment/Facilities/Technology Funding. TA Guerino clarified effective 7/1/12, Comcast will no longer pay for public access channel support; the town will pick up the channels (non-profit entity). The \$2.50 surcharge is to cover three (3) public access channels, staff and equipment that will be included.

Item A – CDR Stewart Hangar ceremony on 7/17/12. Pickard and Meier to attend ribbon cutting ceremony.

Item B – Friends Food Pantry lunch on 6/22/12. TA Guerino and Pickard will attend.

Item D – The next step is to contact the Army Corps of Engineers as ConCom has approved Mr. Ross' grant.

Item M – Market Basket opened today at 6:00 am. TA Guerino commended town employees Coreen Moore, George Tribou and included Marie Oliva for their participation. Meier added the CEO of Market Basket complimented the pleasant experience working with the proper channels in Bourne.

Licenses/Appointments/Easements

a. Bourne Community Boating – Phinney's Harbor Day

Pickard MOVED and SECONDED by Meier to approve Bourne Community Boating request at Monument Beach and Monument Beach Marina at Emmons Road, Monument Beach for Second Annual Phinney's Harbor Day on 7/7/12 (rain date of 7/8/12) Road Race from 7:00 am – 9:30 am; and Entertainment License (entertainment on flatbed of truck or platform and will play from 12:00 pm – 5:00 pm) from 5:00 pm – 7:00 pm per routing slip. VOTE 4-0.

Pickard MOVED and SECONDED by Meier Bourne Community Boating request for Special One-Day License for Beer & Wine on 7/7/12 per routing slip. VOTE 4-0.

Stop Sign request – Clark & Williston Road

Both Chief Woodside and the DPW support of a single stop sign as the addition of sign will increase public safety.

Meier MOVED and SECONDED by Pickard to approve request from Barbara Sullivan, Sagamore Beach Colony Club for installation of a single Stop Sign for Clark & Williston Road per routing slip. VOTE 4-0.

b. Farmer's Market License

Pickard MOVED and SECONDED by Meier to approve Farmer's Market request at 90 Main Street, Buzzards Bay for Market License on Fridays 7/6/12 – 10/26/12 (except during Scallop Festival) from 10:00 am – 2:00 pm per routing slip. VOTE 4-0.

c. Committee Renewals

Chm. Ford – by-law with regard to board/committee member absences of meetings without being excused. TA Guerino said this is one of the Selectmen goals. He suggested incorporating attendance into said goals. Pickard inquired if chairmen of boards/committee could assist the Clerk's Office with attendance of meetings. TA Guerino said the software made available may provide for that piece, but currently there is not a lot of sign on and is something the town should push as a requirement to assist the Clerk's Office.

Pickard MOVED and SECONDED by Meier to re-appoint Tim Mullen to the Barnstable County Coastal Resources Committee for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint both William Curt Duane and Paul Bushueff (alternate) to the Barnstable County Dredge Advisory Committee for terms to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Patti Parker to the Bourne Cultural Council for a term to expire 6/30/15. VOTE 4-0. There are three vacancies that are advertised and terms expire 6/30/15.

Pickard MOVED and SECONDED by Meier to re-appoint Marie Oliva and Michael Giancola to the Bourne Financial Development Corp – Board of Directors for terms to expire 6/30/13. VOTE 4-0. There is one vacancy that is advertised with a term to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Frances Garland Anderegg (at large), Cynthia Coffin (BOH non-voting) and Coreen Moore (Town Planner), Susan Ross (at large), and Barbara Thurston (Housing Authority Director); and to appoint Al Hill (at large) to the Bourne

Housing Partnership Committee for terms to expire 6/30/13. VOTE 4-0. There are two vacancies that are advertised with terms to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Andrew Murray, Richard Tavares (Police Dept.) for terms to expire 6/30/15. VOTE 4-0. There are two vacancies (COA Director and School Dept. Representative) that are advertised with terms to expire 6/30/15.

Meier MOVED and SECONDED by Baldwin to re-appoint Donald Pickard (BOS representative) and William Ware (at large) to the Bourne Landfill Business Model Working Group for terms to expire 6/30/13. UNANIMOUS VOTE.

Pickard MOVED and SECONDED by Meier to re-appoint Brendan Mullaney to the Buzzards Bay Action Committee for a term to expire 6/30/13. There is one vacancy that is advertised with a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Cynthia Coffin and David Gay (both at large); Gerald Carney (Planning Board representative) to the Bylaw Committee for terms to expire 6/30/15. VOTE 4-0.

Pickard said there was a vacancy that is advertised to the Cape Cod Water Protection Collaborative. TA Guerino explained a Selectmen member should be the collaborative representative. He will send out an e-mail for any interest.

Pickard MOVED and SECONDED by Meier to re-appoint Paul O'Keefe to the Cape and Vineyard Electric Cooperative for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint both Rickie Tellier; George Sale (Alternate member) to the Cape Cod Joint Transportation Committee for terms to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Robert Schofield and Elizabeth Caporelli (Alternate member) to the Cape Light Compact Committee for terms to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint John O'Brien (at large) and John Redman (FinCom rep.) to the Capital Outlay Committee for terms to expire 6/30/15. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Coreen Moore to the Central Information and Liaison Officer for Development for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Donald Uitti to the Commission on Disabilities for a term to expire 6/30/15. VOTE 4-0. There are two vacancies that are advertised with terms to expire 6/30/14.

Pickard MOVED and SECONDED by Meier to re-appoint Stewart Bell, Elaine Cook Graybill, James Mulvey, Leslie Perry and Mort Toomey to the Community Oversight Group for the Storm Water Management Group Membership of Pollution Task Force for terms to expire 6/30/13. VOTE 4-0. There are two vacancies that are advertised with terms to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Linda Masson and Lorraine Young to the Council on Aging for terms to expire 6/30/16. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Charles Noyes as the Emergency Management Director for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Barry Johnson as the Ethics Liaison for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Jean Campbell and William Wright, Jr. on the Historic Commission for terms to expire 6/30/15. VOTE 4-0. There are two vacancies (Associate members) that are advertised with terms to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Cynthia Coffin (BOH), Philip Goddard (ISWM), Martin Greene (Fire Chief), Stephan Kelleher (MMA Commander), Michael Leitzel (Engineering Technician), Brendan Mullaney (Environmental), Timothy Mullen (DNR), Ann Marie Riley (COA), George Sala (DPW), John Stofa (Community rep.), Rickie Tellier (DPW) and George Tribou (Sewer) to the Local Emergency Planning Committee for terms to expire 6/30/13. VOTE 4-0. Chm. Ford resigned from said committee and TA Guerino said Zuern may be interested in taking Ford's place; he will discuss with Zuern.

Pickard MOVED and SECONDED by Meier to re-appoint Earl Baldwin to the Massachusetts Military Reservation – Senior Management Board for a term to expire 6/30/13. UANIMOUS VOTE.

Pickard MOVED and SECONDED by Meier to re-appoint Mardi Mauney, Penny Myers, Colin Robin and Richard Rheinhardt to the Open Space Committee for terms to expire 6/30/15. VOTE 4-0. There are three vacancies that are advertised; two expire 6/30/14 and one expires 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Michael Leitzel, Coreen Moore and Brendan Mullaney as Staff Members to the Open Space Committee for terms to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Michael Leitzel, Coreen Moore and Rickie Tellier to the Private Roads Acceptance Committee for terms to expire 6/30/13. VOTE 4-0. There are two at large vacancies that are advertised with terms to expire 6/30/13.

Pickard stated there is a vacancy that is advertised to fill an unexpired term to the Recycling Committee with a term to expire 6/30/15.

Pickard MOVED and SECONDED by Meier to re-appoint Donald Ellis to the Route 6A Advisory Committee for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Elizabeth Caporelli, Thomas Gray Curtis, Jr., Chris Kapsambelis, Frank Kodzis, Allyson Bizer Knox, Paul O'Keefe and Robert Schofield to the Selectmen's Energy Advisory Committee for terms to expire 6/30/13. VOTE 4-0. There are four vacancies that are advertised with terms to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Stewart Bell, Elaine Cook Graybill, James Mulvey, Leslie Perry and Mort Toomey to the Selectmen's Task Force on Local Pollution for terms to expire 6/30/13. VOTE 4-0. There are two vacancies that are advertised with terms to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Robert Schofield, Rickie Tellier, Police Chief and Fire Chief to the Street & Traffic Lighting Committee for terms to expire 6/30/13. VOTE 4-0. There is one Nstar vacancy for a term to expire 6/30/13.

Pickard MOVED and SECONDED by Meier to re-appoint Dan Barrett and Philip Goddard to the Upper Cape Regional Transfer Station Board of Managers for terms to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Thomas Barclay as the Veterans' Graves Officer for a term to expire 6/30/13. VOTE 4-0.

Town Administrator's business

Consensus of the board is to allow TA Guerino to utilize signature stamps for signing of documents tonight.

Selectmen's business

Ford – 6/26/12 – Goal wrap-up.

Meier – 2nd annual St. Peter's Church-on-canal Family Fun Party at the St. Peter's Church on 7/7/12 from 10:00 am – 4:00 pm at 165 Main Street, Buzzards Bay (7/8/12 rain date).

Ford – attended the 7/14/12 Three-Mile Look Dedication; compliance with procedures and bylaws for approval of minutes within 14 days on regular meetings and 7 days for executive session minutes.

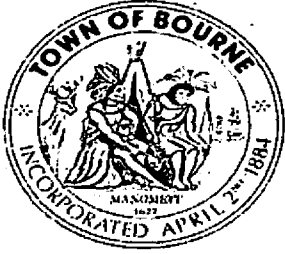
First Reading of Personnel Policy

TA Guerino said once the board votes approval of the First Reading, it will go out to all Departments, Union Stewards and all parties having invested interest. He will give time for all parties to review and get comments in (including BOS) for the 7/24/12 BOS meeting. The second reading will be on the BOS meeting of 7/17/12.

Adjournment

Meier MOVED and SECONDED by Pickard to adjourn meeting. Meeting adjourned at 8:35 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



Date

Tuesday
June 26, 2012

Time

7:00 p.m.

Location

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

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

7:00 – 7:15 (Items 1-5) Call to order

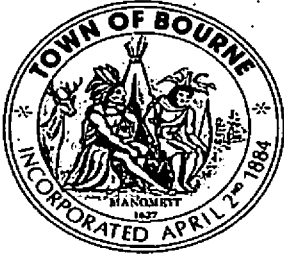
1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : Executive minutes of 06.05.12 and 06.19.12 Regular minutes 06.19.12
5. Correspondence
6. Licenses/Appointments:
 - a. Change of Manager at Cranberry's LLC from Jay Chapin to Samantha V. Burger
 - b. Committee Renewals
7. Updates on the Following:
 - a. Council on Aging recruitment update
 - b. Facilities Manager
 - c. Accountant
 - d. Library Technology professional

8. Selectmen's business

2012 JUN 22 PM 3 19

9. Adjourn

TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice AMENDED AGENDA



Date

Tuesday
June 26, 2012

Time

7:00 p.m.

Location

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

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes : Executive minutes of 06.05.12 and 06.19.12 Regular minutes 06.19.12
5. Correspondence
6. Licenses/Appointments:
 - a. Change of Manager at Cranberry's LLC from Jay Chapin to Samantha V. Burger and change in d/b/a
 - b. Committee Renewals
7. Updates on the Following:
 - a. Council on Aging recruitment update
 - b. Facilities Manager
 - c. Accountant
 - d. Library Technology professional
8. Selectmen's business

9. Adjourn

BOURNE, MASS
TOWN CLERK'S OFFICE
2012 JUN 25 PM 2 49

**Board of Selectmen
Minutes of June 26, 2012
Bourne Community Building
Bourne, MA 02532**

2012 AUG 1 PM 12 49

TOWN CLERK'S OFFICE
BOURNE, MASS.

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern (excused)

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

Meeting called to order
7:01 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment
None

Approval of minutes

Pickard MOVED and SECONDED by Meier to approve and encumber Executive Session minutes of 6/05/12 as submitted. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve and unencumber Executive Session minutes of 6/19/12 as amended. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve and unencumbered Executive Session minutes of 6/12/12 as submitted. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 6/19/12 as amended. VOTE 4-0.

Correspondence

Meier read correspondence into record. Copies of correspondence are available at the Town Administrator's office.

Item E – TA Guerino will send to the board.

Item F – annually approved by the board from the Chamber of Commerce.

Licenses/Appointments/Easements

a. Change of Manager at Cranberry's LLC from Jay Chapin to Samantha V. Burger

Pickard MOVED and SECONDED by Meier to approve Cranberry's LLC at 618 MacArthur Blvd, Pocasset request for Change of Manager request from Jay Chapin to Samantha V. Burger per routing slip. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to approve Cranberry's LLC at 618 MacArthur Blvd, Pocasset request for Change of Name from Cranberry's LLC to Cranberry's Restaurant & Pub The Bog. VOTE 4-0.

b. Committee Renewals

Pickard MOVED and SECONDED by Meier to re-appoint Donald M. Morrissey to the Council on Aging for a term to expire 6/30/16. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Mary P. Reid to the Historic Commission for a term to expire 6/30/15. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Gioia Dimock (associate member) to the Historic Commission for a term to expire 6/30/13. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Donald Morrissey to the Recreation Committee for a term to expire 6/30/15. VOTE 4-0.

Pickard MOVED and SECONDED by Meier to re-appoint Susan Cronin, Janet Hughgill, Edward Linhares and Judith Shorrock to the Special Works Opportunity Program for terms to expire 6/30/13. VOTE 4-0.

Updates on the Following:

a. Council on Aging (COA) recruitment update

Hiring Committee includes Ms. McDonald (Friends), Vice President of the COA, COA Director of Sandwich, HR Director and TA Guerino. Narrowed search to 2 or 3 applicants; 2 for discussion this evening. Upon TA Guerino's return from vacation, he will finalize recommendations for his

appointment and will bring to the board. This is a good and open process. He has been involved in interview process pleased how it has gone to date.

b. Facilities Manager

Interview process will begin in 2-3 weeks (closer to 3 due to scheduling). There are 20 applications all. He is looking to expand the hiring committee and is reaching out to an applicant, which is not public at this time. Hiring of position is about 5-6 weeks out.

c. Accountant

Finance Director Linda Marzelli is currently interviewing and in the process of making an offer. This position will start within the next 2-3 weeks.

d. Library Technology professional

HR Director, Friends of Bourne Library and the Asst. Director of the Library are on the Hiring Committee. An offer is pending and should it be accepted, TA will inform the board which should be available by the end of this week.

Ford – inquired about an update on the Cable Studio. TA Guerino said Attorney Epstein is working with Dianne Flynn. An application has been developed. Nine members of the Board of Directors to be put on application moving forward to the Government. Once accepted by the IRS, there is a tentative approval until complete application review process. This process is moving in accordance with the timetable in place. Looking for preliminary approval for when Comcast approves so the town has the ability to move forward.

Meier – inquired about the surcharges since May. TA Guerino said the \$2.50 per month will be charged in escrow until the cable studio is up and running. The town has received a franchise check in the amount of \$20,000, including a check (which is more) relative to the renewal portion.

Chm. Ford – received an e-mail from A. Carr addressed to the board and requested to put into correspondence for the 6/26/12 meeting.

Chm. Ford – raised issue with e-mail with regard to the lifeguards. TA Guerino sent the board received e-mail from the Recreation Director. He commends Ms. Caron and staff in trying to obtain lifeguards. The town will be able to staff 4 beaches. He raised concern over 2 advertisements for Bourne lifeguards on Craig's List which are not town-sponsored advertisements. They are notifications only. The board needs to move forward, as the season is opening this Saturday. No more tests will be given at this point. He is planning to continue with the process for Sagamore, Hen Cove, Monument Beach and Electric Avenue. The town is offering 2 full sets of swimming lessons. The town also has the ability to provide OT if needed. He regrets the numbers weren't there for Gray Gables, but the town has to move ahead.

Meier – he doesn't want to completely shut off Gray Gables as the board gave their word for lifeguards at a 5th beach. He doesn't want the public to think the board didn't do due diligence.

Pickard – said the TA told the board he would do his best, but it is unfortunate not to have lifeguards at Gray Gables. The Recreation Director did a stellar job for the 4 beaches. Liability policies were taken out and while it doesn't completely cover, the town has done due diligence.

Chm. Ford – lifeguards is competitive today. TA Guerino said it is because of money. While Bourne is in the high middle range for pay rates, applicants accepted positions but found another job that fit better to their schedules.

Chm. Ford – asked about pre-certified. TA Guerino said as far as life-savings certificates, applicants had a difficult time passing a fairly basic swim test. There is no State pre-certification.

TA Guerino – there will be 3 lifeguards on duty with a 4th to cover brakes or put on a raft.

Meier – attended the Food Pantry 20th Anniversary and the WWII Exhibit at the Library.

Chm. Ford – met with TA Guerino to discuss moving the Clerk's Office to the Tax Collector's office. He asked TA Guerino about getting more space through CPA funds. TA Guerino said it wouldn't qualify as it isn't a historic renovation.

Mr. Mulvey – capital expenditures for the DPW, Police HQ, Fire HQ, Sewer, Peebles re-built and now a Town Hall expansion – 6 capital expenditures moving forward.

Town Administrator's business

None.

Selectmen's business

Ford – 6/26/12 – Goal wrap-up.

Meier – the 2nd annual St. Peter's Church-on-canal Family Fun Party at the St. Peter's Church will be held on 7/7/12 from 10:00 am – 4:00 pm at 165 Main Street, Buzzards Bay (7/8/12 rain date).

Ford – attended the 7/14/12 Three-Mile Look Dedication; discussed the board being in compliance with procedures and bylaws to approve minutes within 14 days on regular meetings and 7 days for executive session minutes.

First Reading of Personnel Policy

TA Guerino said once the board votes approval of the First Reading, it will go out to all Departments, Union Stewards and all parties having invested interest. He will give time for all parties to review and get comments in (including BOS) for the 7/24/12 BOS meeting. The second reading will be on the BOS meeting of 7/17/12.

Discussion held, but no vote was taken at this time.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn meeting. Meeting adjourned at 7:30 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

✓ 4

Board of Selectmen
Executive Minutes of July 3, 2012
Bourne Town Hall – Bourne Veterans Memorial Community Building
Bourne, MA 02532

John Ford, Chairman
Donald Pickard, Vice Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

2014 JUN 25 AM 8 20
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Mr. Ford called the meeting to order at 6:00. Mr. Pickard moved and seconded by Mr. Meier to go into executive session for the purposes of Negotiations of Fire, Police Patrol Officers, LIUNA ISWM Unit. Contracts and litigation and an update on pending litigation and to reconvene in open session. Roll Call: Zuern, yes – Pickard, yes – Baldwin, yes – Meier, yes - Ford, yes.

The Town and Police Patrol union has tentatively agreed in arbitration to the following on the FY 10 through FY 12 Contracts. FY 10 and FY 11. 1% in July and 1 % In January for each of the years and a 2% COLA in FY 12. The "Quinn" rate is frozen at the FY10 rates and effective January 2012 there will be no additional funds to the Quinn Educational incentive. The Selectmen unanimously agreed by motion to agree with the Town Administrator's recommendation by consensus and to concur with the TA signing the contract document once in final form. Zuern, yes – Pickard, yes – Baldwin, yes – Meier, yes - Ford, yes

Attorney Troy update the Board on the following pending cases:

Mr. Guerino updated the BOS on the LIUNA –ISWM contract negotiated agreement FY 13 – FY15. This contract is in accord with all of the other LIUNA contracts with a 2% COLA in FY 13, and 14 with a wage opener in for FY15. The Town has agreed to raise the boot (clothing allowance to 350.00 and to remove all support staff from receiving the boot allowance. The Town also agreed to look at a reopener for those employees who opted in to MHP from blue Cross in FY 08 instead of leaving MHP and moving to the PPO or HMO. The Town no longer offers MHP and this should be adjusted. The Town also agreed to bring the ISWM bereavement leave in to accord with all other LIUNA Unit language. On this, the Selectmen unanimously agreed by motion to agree with the Town Administrator's recommendation by consensus and to concur with the TA signing the contract document.. Zuern, yes – Pickard, yes – Baldwin, yes – Meier, yes - Ford, yes

A motion to adjourn the executive session and return to open session was made by Mr. Meier and Seconded by Mr. Baldwin. A roll call vote was taken by the Chairman - Zuern, yes – Pickard, yes – Baldwin, yes – Meier, yes - Ford, yes.

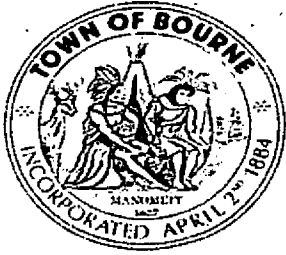
A motion to adjourn the executive session and reconvene in open session was made by Mr. Meier. Ms. Zuern Seconded the motion. The Chair conducted a roll call vote as depicted below.

Ms. Zuern, YES – Mr. Pickard, YES – Mr. Meier, YES – Mr. Ford, YES – Mr. Baldwin YES.

Meeting adjourned at 7:12.P.M.

Respectfully,

Thomas M. Guerino



Board of Selectmen Meeting Notice AGENDA



Date

Tuesday
July 10, 2012

Location

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

2012 JUL 6 PM 4 05

6:00 PM Joint Meeting Board of Selectmen/Finance Committee Year End Transfers

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

6:30 PM Regular Selectmen's Meeting

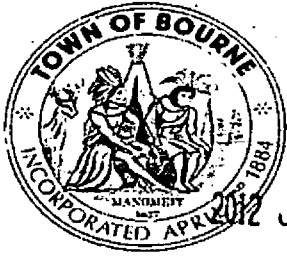
(Items 1-3) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Licenses/Appointments:
 - a. Block Party Pilgrim Pines
 - b. ABCC – population
 - c. Appointment - Local Emergency Planning Committee – John Pribilla
 - d. Cataumet Club Camp – 2 overnight camping events at Bassetts Island
 - e. Friendly's Ice Cream – change from 1 corporation to another/ change in manager
5. Town Administrator's business
5. Selectmen's business
Signing of Primary Warrant
7. Adjourn

7:00 Joint Meeting Board of Selectmen/Board of Sewer Commissioners, Capital Outlay Committee, Finance Committee, Board of Health, Planning Board, Selectmen's Energy Advisory Committee, Wastewater Advisory Committee

Report and discussion by the Wastewater Advisory Committee – Wastewater Management Planning for Bourne's Downtown

Adjourn



Board of Selectmen Meeting Notice



2012 JUL 9 AM 10 22 AGENDA
TOWN CLERK'S OFFICE EMERGENCY - AMENDED
BOURNE, MASS

Date

Tuesday
July 10, 2012

Location

Bourne Middle School Library
77 Waterhouse Road, Bourne

6:00 PM Joint Meeting Board of Selectmen/Finance Committee Year End Transfers

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

6:30 PM Regular Selectmen's Meeting

(Items 1-3) Call to order

1. Moment of Silence for our Troops
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Report and discussion by the Wastewater Advisory Committee – Wastewater Management Planning for Bourne's Downtown

Adjourn

Joint Meeting of the
Board of Selectmen and the FinCom

Minutes of July 10, 2012

Bourne Middle School

Bourne, MA 02532

2012 AUG 1 PM 12 49

TOWN CLERK'S OFFICE

BOURNE, MASS

TA Guerino

Selectmen: Chairman John Ford, Vice-Chairman Don Pickard, Clerk Peter Meier, Earl Baldwin and Linda Zuern

Finance Committee: Chm. Michele Ford, Co-Vice Chm. Elinor Ripley and Mary Jane Mastrangelo (excused), David Ahearn, Mark DeCicco, Hal DeWaltoff, Glen Galusha, Bill Grant; Donald Montour, Jeff Perry, John Redman and George Slade.

Guests: Board of Health, Planning Board, Capital Outlay Committee, Wastewater Advisory Committee, TA Guerino, Finance Director Marzelli & Cape Cod Commission Staff Members

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

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

6:00 pm FINCOM MEETING CALLED TO ORDER – YEAR END TRANSFERS

By FinCom Chm. M. Ford.

Ripley MOVED and SECONDED by Perry to approve minutes of 5/7/12 and 5/8/12 as submitted. UNANIMOUS VOTE.

At this time, Selectmen Chm. J. Ford called Selectmen meeting to order.

Linda Marzelli, Financial Director – Year End Transfers

RESERVE FUND: salaries

- Planning Board salaries - \$1.81 out of reserve fund. Shortfall in budget
- Board of Appeals - \$873.89 wages for extra meetings
- DPW – \$22,483.05 OT for hurricane cleanup (75% reimbursement applied for by TA)
- Snow & Ice - \$14,583.09 for OT salaries
- BOH - \$1,112.04 transfer of personnel within departments
- Library - \$899.12 – transfer of personnel within departments

Total of \$39,953.00

Ripley MOVED and SECONDED by Redman to approve the total amount of \$39,953 from Reserve Funds for Department Salaries. VOTE 10-0.

RESERVE FUND: expenses

- Town Meeting expense - \$1,212.43 to cover STM and ATM expenditures
- Legal costs - \$12,884.20 much dealing specifically with the Doherty case.
- Tax tile - \$17,651.42 increase of activity in auctions
- Planning Board expenses - \$600 for advertising/meetings
- Telephone account - \$4,116.50 for cell phones and regular phone
- EMS - \$0.03 shortfall
- Inspections Dept. - \$508.09 travel
- DNR fuel - \$70,051.72 for both marinas (TA - for gas the town sells)
- Veterans - \$2,120.06 for expenses
- Archives \$600.16 - shares budget with historical society
- Interest on Tax Cases - \$513.07 - appellate taxes
- Medical overage - \$14,897.19
- Insurance - \$52,604.67
- LIUNA - \$162.46 cost of re-match of employees

Total of \$177,922.00

Ripley MOVED and SECONDED by Ahearn to approve the amount of \$177,922 from the Reserve Fund for Department Expenses. VOTE 10-0.

MUNICIPAL TRANSFERS:

Transfers from Department Budgets:

- Police Department to Planning Board expenses - \$7,705.00
- Police Salaries to Police Expenses - \$26,774.09
- ISWM Contracted Services to ISWM Host Community Fee - \$25,000.00

Total \$59,479.09

Selectmen Vote:

Zuern MOVED and SECONDED by Baldwin to approve transfers totaling \$59,479.09. VOTE 4-0.

FinCom Vote:

Redman MOVED and SECONDED by Ripley to approve transfers totaling \$59,479.09 for Department Expenses. VOTE 10-0.

Finance Committee Reorganization

Chairman

Ripley MOVED and SECONDED by Redman to re-appoint Michele Ford as the Finance Committee Chairman. UNANIMOUS VOTE.

Co-Vice Chairman:

Ripley MOVED and SECONDED by Ford to re-appoint Mary Jane Mastrangelo as Co-Vice Chairman. UNANIMOUS VOTE.

Co-Vice Chairman:

Galusha MOVED and SECONDED by Perry to re-appoint Elinor Ripley as Co-Vice Chairman. UNANIMOUS VOTE.

Capital Outlay Committee FinCom Representative

Ripley MOVED and SECONDED by Perry to re-appoint John Redman and Mary Jane Mastrangelo as the FinCom Capital Outlay Committee Representatives. UNANIMOUS VOTE.

Wastewater Advisory Committee

Ripley MOVED and SECONDED by Slade to re-appoint Don Montour as the FinCom Representative to the Wastewater Advisory Committee. UNANIMOUS VOTE.

Bylaw Committee

Ford MOVED and SECONDED by Montour to re-appoint Elinor Ripley as the FinCom Representative to the Bylaw Committee. UNANIMOUS VOTE.

ISWM Working Group

Ripley MOVED and SECONDED by Slade to re-appoint John Redman as the FinCom Representative to the ISWM Working Group. UNANIMOUS VOTE.

Future agenda items

Chm. Ford requested any future agenda items request to be sent by email. FinCom meeting will remain in session until the conclusion of the joint meeting.

6:30 pm – REGULAR SELECTMEN’S MEETING CALLED TO ORDER

By Selectmen Chm. J. Ford

Moment of Silence/Salute the Flag

Chm. J. Ford requested a moment of silence in memory of Mrs. Betty Galusha.

Public Comment

None

Licenses/Appointments/Easements

a. Block Party Pilgrim Pines

Meier MOVED and SECONDED by Baldwin to approve Pilgrim Pines Block Party on 7/21/12 from 1:00 pm – 8:00 pm, per routing slip. VOTE 5-0.

b. ABCC – population

Annual affidavit the Selectmen sign relative to seasonal population. Estimate town doubles to about 40,000 and always concurred and approved when it gets to the ABCC.

Pickard MOVED and SECONDED by Zuern to approve the ABCC population as presented. VOTE 5-0.

c. Appointment – Local Emergency Planning Committee (LEPC) – John Pribilla

Pickard MOVED and SECONDED by Baldwin to approve appointment of John Pribilla for a term to expire 1/30/13. Board of Selectmen Representative to the LEPC appointment - Zuern received letter in the mail, but asked if any member of the board was interested to serve. Zuern volunteered to serve as Selectmen representative.

d. Cataumet Club Camp – 2 overnight camping events at Bassetts Island

Pickard MOVED and SECONDED by Meier to approve two overnight camping events on 7/19/12 from 7:00 pm – 7:00 am per routing slip (DNR concur with Conservation Agent – TA said ConCom doesn't need to take action). VOTE 4-0.

e. Friendly's Ice Cream – change from 1 corporation to another/change in manager

Pickard MOVED and SECONDED by Baldwin change from 1 corporation to another and change in manager per routing slip. VOTE 5-0.

Town Administrator's business

Thanked the Finance Director and her staff for their work invested for the year-end account balances and transfers.

Selectmen's business

Signing of the Primary Warrant

Pickard MOVED and SECONDED by Baldwin to sign the Primary Warrant. VOTE 5-0.

Zuern – notified public that her house was broken into and urged people to lock doors, put jewelry in a safe place; watch your house and your neighbor's house. Her house was alarmed and the alarm didn't deter the offender.

Ford – suggested TA Guerino contact Police Chief requesting a Reverse 911 for said incident and asked if anyone has any information to contact the TA's office.

Meier – thanked people who came out for the 4th of July parade as well as the 4th of July Parade Committee.

Meier MOVED and SECONDED by Pickard to adjourn. Meeting adjourned at 6:45 pm.
UNANIMOUS VOTE.

7:00 pm – JOINT MEETING BOARD OF SELECTMEN/BOARD OF SEWER COMMISSIONERS, CAPITAL OUTLAY COMMITTEE, FINANCE COMMITTEE, BOARD OF HEALTH, PLANNING BOARD, SELECTMEN'S ENERGY ADVISORY COMMITTEE, WASTEWATER ADVISORY COMMITTEE CALLED TO ORDER

By Selectmen Chm. J. Ford

List of documents

- Wastewater Management Planning for Bourne's Downtown booklet dated 6/20/12

Selectmen's Committee Advisory on Wastewater bringing forward the First Phase of report of the Buzzards Bay side and most part of Bourne's wastewater capacity and needs. Ms. Riggs is not present tonight, and Mr. William Locke agreed to step in. Mr. Locke thanked the group for their efforts for the Town of Bourne.

Glenn Cannon, Director of Technical Services at the CCC, thanked the committee for their involvement and said the committee believes wastewater management planning is a worthwhile experience and is the best way to handle wastewater. Currently they are at a phase where they need some decisions to be made to proceed. It is a long process and currently there is about eight years of studying.

The purpose of this report is to present the findings of the study performed by the RESET staff relating to water supply and wastewater issues as part of a comprehensive water supply/wastewater assessment of the Downtown Bourne area (including Hideaway Village and the Bourne Development Campus).

The study included the following goals:

- Evaluate water supply and wastewater issues within the study area (includes Downtown Bourne, Hideaway Village and the Bourne Development Campus)
- Identify options for water supply and wastewater management
- Assist Bourne and the Buzzards Bay Water District with water supply and wastewater issues within the area and to provide an action plan for a solution.

Task 2 – Existing Planning Documentation

To provide for a systematic and practical approach to the project.

Task 3 – Water Supply and Demands

Commission staff investigated water supply issues related to the Buzzards Bay Water District including supply capacity and demands based on existing studies, map of well sites and potential water supply sites.

Task 3a – Discussion with Buzzards Bay Water District Superintendent

Task 3b – Current Water and Supply Demands

Task 3c – Future Supply Needs

Task 3d – Screening for potential lands suitable for water supply

Task 4 – Assessment of existing Wastewater Infrastructure

The RESET staff reviewed existing documents relating to sewer use patterns, regulations, inter municipal agreements and potential and future allocation agreements as it effects future expansion planning.

Task 4a – view Inter Municipal Agreement (IMA)

Task 4b – Summarize allocation issues

Task 4c – Develop outline for allocation tracking

Task 5 – Buildout Analysis and Wastewater Flows

Commission staff prepared buildout analysis for the study area following assumptions outlined by current zoning and future market analysis.

Task 6 – Wastewater Facility Siting

A key component to wastewater planning is the identification of one or more feasible sites for a wastewater treatment facility and an associated subsurface disposal system, north of the Cape Cod Canal. The Commission's RESET staff conducted an evaluation of potential wastewater facility and discharge sites.

Subsurface Disposal Sites:

Site 10 – Kramer Property (Hideaway Village)

Site 16 – Scenic Highway (out of town)

Site 19 – Queen Sewell Park (Downtown)

Site 29 –Community Center (Downtown)

Treatment Sites:

Site 10 – Kramer Property (Hideaway Village)

Site 16 – Scenic Highway (out of town)

Site 21 – Deseret Drive (out of town)

Site 39E – Belmont Circle (Downtown)

Site C – Sandford Property (Downtown)

Task 7 – Evaluation of Wastewater Infrastructure Options

Incremental flows, Wastewater treatment technologies and Wastewater treatment and subsurface disposal site area requirements.

Task 8 – Evaluation of Financing Options

The financial plan has four primary components:

1. A plan for financing the implementation of needed projects
2. A plan for re-payment of debt incurred during the project implementation
3. A plan for funding on-going operations, maintenance and administrative costs associated with the wastewater system
4. A “model” or approach to manage near-term and long-term financial commitments

Task 9 – Action Plan.

The recommended, phased Wastewater Management Plan to provide critical wastewater services to meet needs of range of future commercial development in downtown Bourne is summarized:

- Implement a phased approach
- Utilize remaining capacity at Wareham WWTF
- Request DEP review and comment on Bourne WWAC Downtown Plan with the ultimate goal of implementation
- Continue discussions with private parties on commercial development plans and private financing options (Optimus project) – may not be the only option
- Develop and execute Memoranda of Understanding (MOUs) for private partnership
- Select treatment and disposal sites that fit private development plans
- Continue to maintain scenic highway site pending downtown plan
- Procure consulting support to undertake hydraulic studies, define condition and capacity of existing system and on-going wastewater planning
- Conduct preliminary hydrogeologic studies of Queen Sewell park and Community Center
- Acquire rights to critical treatments sites
- Obtain SRF funding to supplement private investment
- Investigate and secure other public financing options
- Develop public involvement process to support wastewater program

Discussion

DeCicco – raised issue of an additional 350,000 GPD is based on 800,000 sq. ft. Mr. Cannon said moving forward, need to have capacity to add for the next developer who comes along.

TA Guerino – asked about Belmont Circle area. Mr. Cannon said open land would not be disturbed. TA Guerino mentioned the Scenic Highway site as there is a lot of concern relative to the needs of the Bourne Water District. Mr. Cannon said the location of site (Scenic Highway) groundwater flow is front northeast to southwest and groundwater would not affect anything to the north.

Zuern – questioned disposal. Mr. Cannon said disposal water is treated and goes into the groundwater; the Cape has a high permeability rate due to the sandy soil.

Chm. J. Ford – said people’s perceptions is an issue and believes Scenic Highway is going to be a hard sell. Mr. Cannon agrees that perception “drives the boat”, however, this is not surface water – it is a groundwater aquifer and not subject to the vagaries of weather.

TA Guerino – said the Community Center is in a flood plain area. Mr. Cannon said he will have to review during the screening.

Mastrangelo – raised issue with septage means. Mr. Cannon said a residential home Title V system has a pump out septic tank which goes to wastewater treatment plant. Mastrangelo asked what can be phased and not be phased. Mr. Cannon said an underground well is built for planned capacity (treatment plant); subsurface is built all at the same time.

Skip Barlow – because this Planning is tied to the GIZ, he is asking all parties to re-think the whole issue and to look at all the different options rather than building homes in Buzzards Bay.

TA Guerino – a company is looking to put directional drills along the canal down near the new parking lot; it seems to make some sense to look at if this is to move forward. Leasing on the directional drill at the MMR if going to do any upgrades. This plan is currently being looked at. Mr. Cannon said they can continue to discuss with the MMA.

Selectmen Chm. J. Ford – asked about building a private plant and offer to businesses at a cost and not to the taxpayers. Mr. Cannon said Sandwich is looking at this on Route 130, and will either dedicate to the town or sell service to the town. This is a private investment in the capital cost. Paid back through user charges and betterment charges. The new town of Devens had a design-build-operate and charged user charges.

Mastrangelo – asked since CCC paid for the study (6 versions), what are the costs and planning costs for the next step. Mr. Locke said he doesn’t know if the CCC is ready to “step up to the plate” and is a question that needs to be asked. Mastrangelo said Ms. Riggs mentioned in a Selectmen meeting that in order to qualify to apply for State funding, we need an accepted plan to meet the next deadline (Mr. Locke said this deadline was missed). She isn’t sure the 2% loan is what the town can get on its own and understanding the steps and planning and alternatives, to have a plan is difficult as it is complex. Mr. Cannon said the CCC has new management and will step up as well as they can.

Pickard – Bourne has obtained local control and would hate to see grouped into one organization where it will cost the town a lot of money. The more aggressive Bourne can be, the better.

Selectmen Chm. J. Ford – people paying for additional systems have to deal with perception. He suggests working with Congressmen on a discharging treatment plan that can be built if have a place to discharge the water. Mr. Cannon said he is meeting with DEP where Falmouth is pursuing an ocean discharge in Woods Hole - looking to re-opening after closing in 1985. If

partner with the MMA and have something going out to the canal, wouldn't be doing all the transportation.

DeCicco – The more usage in one of the MMA units, the less money it costs. If MMA spends for an upgrade, it doesn't make sense for Bourne to build one down the street.

Galusha – still looking at 200,000 gallons per day (GPD) sewage. Mr. Cannon said the schedule to get on Wareham's behalf is a multi-hearing process and Bourne will lose some control as Wareham is initiating, but worth discussing and working with them.

Galusha – Hideaway Village (HAV) will decrease the flow from the Buzzards Bay Water District. TA Guerino said taking HAV connections off Wareham and go to own facility would take current user fee and put onto the remaining users so the Buzzards Bay community. If look at bringing more capacity to Wareham, have to look at town's current transmission system (getting aged now and will need repair) and doesn't know about pump capacity (re-calibrated and re-build). We are looking at a substantial cost, losing control and adding a potential substantial cost. This is a very costly short-term perception.

Skip Barlow – if a developer came into Buzzards Bay and wants to build 250 units, let him build and pay. He questioned why have the town pay. TA Guerino said doing so may make it cost prohibitive for the developer.

Zuern – doesn't think having developer pay is unreasonable. She was upset to hear about the mandate, but a mandate can be broken. She is concerned about disposal sites in a residential area.

Mastrangelo – asked what does Bourne need to have in place for developers to participate on costs. Chm. J. Ford said it doesn't have to be one big system.

Baldwin – agrees on the development of Buzzards Bay, but not to flattening out Buzzards Bay for homes. Mr. Locke said he agrees and has a book to follow to move forward.

Mr. Cannon – asking the town to consider the dialogue it has now. There is the ability to accommodate wastewater. Bourne has land to provide to a developer. Public/private partnership is significant to offer. Not asking for a commitment, but rather to continue dialogue.

Redman – asked about the town of Devens. Mr. Cannon said the plant was a 1942 vintage tank which had to be completely replaced, financed on behalf of Devens, built plant and sold surface to surrounding towns. User base set up with sewers. Financed by the State and privatized.

TA Guerino – the RESET team that came from the Cape Cod Commission (CCC) could have been sent to any community on the Cape, but directed the RESET money to Bourne.

Public Comment

Diane Barth – asked for clarification about no implementation of large growth in Buzzards Bay unless there is a solution for wastewater. Mr. Cannon added there is no mandate for Phase II.

Mr. James Mulvey – there is little open undeveloped land in Buzzards Bay. This proposal is to take what we have now and ship out of town and retaining into town. There are fisheries and estuaries to think about. He has some issues with general direction. With regard to cost benefit - who pays for it and what are the benefits - which doesn't compute.

No further questions from the public.

Selectmen Chm. J. Ford – asked about a time table from the CCC. Mr. Cannon will have one when he comes before the board in August

Other business

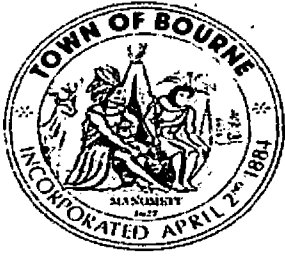
Jack Howarth, Planning Board - asked about tax title property – TA Guerino responded with a date of 9/13/12. He also inquired about a revival tent (he filed a complaint) and asked the status. Chm. J. Ford suggested writing a letter to the TA office to take action. TA Guerino will discuss tent with Building Inspector Roger Laporte. He was under the impression it was closed down.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn Selectmen meeting. Meeting adjourned at 8:41 pm. UNANIMOUS VOTE.

Ripley MOVED and SECONDED by Galusha to adjourn FinCom meeting. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



**Board of Selectmen
Meeting Notice**



AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday July 17, 2012	6:30 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

6:30 – 6:40 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: June 26, 2012

5. 6:45 Pole Hearing Crowell Road

6. Licenses/Appointments:

- a. Commission on Disabilities – S. Gallagher
- b. Local Emergency Planning Committee – D. Woodside, J. Reynolds & L. Zuern
- c. Monument Beach Annual Night Out – Close Beach Street from Shore Road to Pine Street
- d. Harbor to the Bay - Charity Bike Ride

7. Goals session continuation

8. Town Administrator's business – COA Director Appointment, other appointment notifications

9. Selectmen's business

10. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of July 17, 2012
Bourne Community Building
Bourne, MA 02532

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TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents
None

Meeting called to order
6:31 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment
None

Approval of minutes
Pickard MOVED and SECONDED by Meier to approve regular session minutes of 6/26/12 as amended. VOTE 4-0-1 (abstention from Zuern).

6:45 pm Pole Hearing – Crowell Road
Karen Rae, Right-of-Way Agent. Requesting to replace one new pole 48/5A due to an abutter at 31 Crowell Road is replacing current over ground service with underground service.

Pickard MOVED and SECONDED by Meier to approve the installation of one new pole 48/5A on Crowell Road as submitted. VOTE 5-0.

Licenses/Appointments
a. Commission on Disabilities – S. Gallagher

Pickard MOVED and SECONDED by Meier to re-appoint S. Gallagher to the Commission on Disabilities for a term to expire 6/30/13. VOTE 5-0.

b. Local Emergency Planning Committee – D. Woodside, J. Reynolds and L. Zuern

Pickard MOVED and SECONDED by Meier to re-appoint D. Woodside to the Local Emergency Planning Committee for a term to expire 6/30/13. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to re-appoint Joe Reynolds and L. Zuern to the Local Emergency Planning Committee for terms to expire 6/30/13. VOTE 5-0.

c. Monument Beach Annual Night Out – Close Beach Street from Shore Road to Pine Street

Pickard MOVED and SECONDED by Meier to approve Monument Beach Annual Night Out request on 8/7/12 from 4:30 pm – 9:00 pm to close Beach Street from Shore Road to Pine Street per routing slip. VOTE 5-0.

d. Harbor to the Bay – Charity Bike Ride

Pickard MOVED and SECONDED by Meier to approve Harbor to the Bay request for Charity Bike Ride on 9/15/12 per routing slip. VOTE 5-0.

Town Administrator's business

a. COA Director Appointment, other appointment notifications

Ms. Felicita Monteiro appointment for COA Director and will begin sometime in mid-August.

Meier MOVED and SECONDED by Zuern to waive the 15-day waiting period for Ms. Felicita Monteiro. VOTE 5-0.

Selectmen's business

Meier – attended the Stewart Graham Airplane Hanger dedication earlier today.

Pickard – was at the MMR for employers to support the Guard and Reserve. He received tours of the different military commands. Sign and support a Statement of Support of Guards and brings in for the Chm. review and signature.

Pickard MOVED and SECONDED by Zuern to authorize the Chairman of the Board of Selectmen to sign a Statement of Support for the Guard and Reserve. VOTE 5-0.

Zuern – attended meeting on County Wastewater issues which included input from citizens. The next meeting will be this Saturday at 7:00 pm.

Goals Session Continuation

- Maintaining Local Control (no MWRA) on sewer
- Preparation for 2014 Canal Celebration

- Develop revenue streams – ISWM
- More Participation in Local Government (Youth)
- Financial Policy Piece
 - Financial Policy Manual – as indicated in the audits
 - New positions funded included in Financials
- Evaluation of Town Boards and Committees for effectiveness and efficiency
- Intra Governmental Cooperation - Better Department Head “Awareness” of “Public on Municipal Facilities”
 - Aware of what is going on in other facilities
- Justification Expenditures for Personnel (protocols and policy)

Goals Breakdown

Goal 1 - Financial Policy Piece - Pickard

- Justify dollars for new positions – sustainability
- Better pay roll cost measures - OT monitoring and reporting
- Revenue stream enhancements – ISWM/Cody, etc.
- Policy and Planning Manual – board to review, accept and adopt
- OBPE (benefits)

Goal 2 - Wastewater Planning to Assure Local Control and Decision Making Without Need of Large Regional Governmental Entity (CLF/LCP) - Zuern and Baldwin

Chm. Ford – wastewater planning will have to deal with the science and bringing in different groups to educate. TA Guerino said the town will need to position itself as a body in order to find out mechanical steps in order to prepare.

Pickard – the town will determine whether or not to maintain control. Most people are opposed to a regional government “steering the ship”.

Meier – asked if the GIZ would be part of the Selectmen Goals for next year. TA Guerino said Phase II doesn’t need to be “attacked” within the next 10 months. Zuern said the Cape Cod Commission is coming up with a different model where the Selectmen can have input. Chm. Ford summarized by saying it is going to be a local control issue.

Goal 3 - 2014 Canal Celebration - Ford

- Public safety – EMS – crowd control – traffic improvement, cost?
- Eyesore removals
- Beautification of municipal properties
- Cooperation with Committee
- Partner with neighborhood association
- Town Hall Celebration – murals, etc.

TA Guerino – suggested enticing local artisans.

Meier – suggested the Town can partner with local schools.

Zuern – the town may have a bylaw by them. TA Guerino suggested having items complete within a 12 month period. Ford – it would be a start.

Goal 4 - Municipal Engagement - Meier

- o Review Boards/Committees efficiency/effectiveness
- o Broader Participation of Under Active Groups (ex: Youth)
- o Transparency – more CATV

TA Guerino – reminded the board that names attached to specific goals are to act as a liaison only and not have the sole responsibility. Liaisons to include Goals quarterly check-ins.

Adjournment

Meier MOVED and SECONDED by Pickard to adjourn meeting. Meeting adjourned at 7:50 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

RECEIVED

Board of Selectmen
Executive Session Minutes of July 22, 2014 2016 DEC 27 AM 9:43
Bourne Veteran's Memorial Community Building
Bourne, MA 02532 TOWN CLERK BOURNE.

Mr. Pickard made A motion in public session to go into executive Session for the purpose of discussion related to pending litigation updates, and to return to Open Session. The motion was seconded by Ms. Zuern and upon roll call vote was unanimously agreed to by the Board.

Mr. Pickard – YES, Mr. Mealy – YES, Ms. Zuern – YES, Mr. Ellis – YES, Chairman Meier – YES.

Town Counsel Robert Troy and Town Administrator Guerino were also present.

1. Duce case regarding moorings appeal. Missed inspections. DEP upheld the Town's decision to not grant mooring. DEP erred in the purpose for the town had not to grant mooring stating lack of fee paid (not so) as opposed to the lack of inspection. The Judge granted one mooring of the two taken.
2. Harvest Power lease – Bob, Mark Kalpin and The Town Administrator are extremely frustrated with the Attorney for the Board of Health as allowed. After what was thought to be a constructive and conciliatory meeting in Boston of the parties, it still appears that the BOH has a conspiracy thought process as it related to the negotiations with Harvest. That being that the BOS is negotiating directly and knows much more about the lease arrangement and has negotiated directly with Harvest Power. Which is not nor has been the case. Attorney Troy informed the Board of the great job Mark Kalpin has done in the Harvest Power negotiations and that the Selectmen had made an excellent choice is retaining Mr. Kalpin's firm (Wilmer Hale). Additionally, there is a sense of urgency to bring this lease arrangement to conclusion due to legislation filed in the MA House that would place landfill sites at a disadvantage in siting a facility as envisioned by the Town and Harvest Power.
3. Assessors ATB case related to the former Grand Union Plaza. The ATB granted a partial abatement to the owners of the Plaza. Comparable real-estate was difficult to ascertain as Bob and the Town Administrator had been brought into the process late. Attorney Troy noted that Town Planner Coreen Moore had done an outstanding job on behalf the Town and that Janet Black in the Assessor's Office had also done a commendable job. He noted that winning on any appeal of the ATB's decision was very doubtful.
4. Pilgrim Pines and the Hebb's – The Town maintains that there was no constructive grant in allowing the development w/o the required affordable homes occurred and the issue will continue to move forward with the ZBA and BOS.

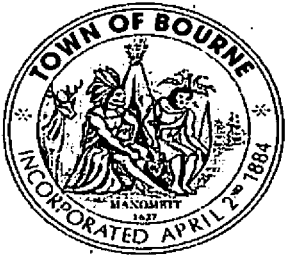
Mr. Pickard made a motion to adjourn the Exec. Session and return to open session. The motion was seconded by Ms. Zuern and unanimously agreed to by the Board by a roll call vote.

Mr. Pickard – YES, Mr. Mealy – YES, Ms. Zuern – YES, Mr. Ellis – YES, Chairman Meier – YES.

Meeting adjourned at 7:30 P.M.

Respectfully submitted,

Thomas M. Guerino



Board of Selectmen Meeting Notice



AMENDED – TA Report

6:00 – 7:00 p.m. Executive Session – Bob Troy re: Doherty litigation – Conservation Law Foundation - update on ongoing litigation

AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday July 24, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag (move to # 7)
3. Public Comment – Non-Agenda Items
4. Minutes: 7/10 & 7/17
5. Correspondence

6. Introduction of New COA Director - Felicita Monteiro
7. License/Permits

- a. 7:20 p.m. Underground Storage – Volta- 48 MacArthur Blvd.
- b. Pan Mass Challenge Ride
- c. Pan Mass – One Day Liquor
- d. MMA – One Day Liquor

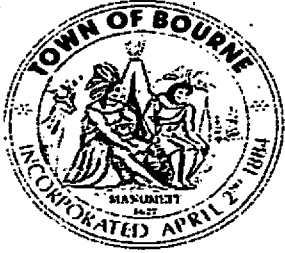
8. Squeteague – Bath House and new proposed deck.
9. Friends of the Hoxie School
10. Second reading – Town Personnel Policies
11. Town Administrator's Business

- a. Board to discuss and sign override debt exclusion question regarding proposed DPW Facility.

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 TOWN CLERK'S OFFICE
 BOURNE, MASS

12. Selectmen's business
13. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice



6:00 – 7:00 p.m. Executive Session – Bob Troy re: Doherty litigation – Conservation Law Foundation - update on ongoing litigation

AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
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 - a. 7:20 p.m. Underground Storage – Volta- 48 MacArthur Blvd.
 - b. Pan Mass Challenge Ride
 - c. Pan Mass – One Day Liquor
 - d. MMA – One Day Liquor

8. Squeteague – Bath House and new proposed deck.
9. Friends of the Hoxie School
10. Second reading – Town Personnel Policies
11. Town Administrator's business
12. Selectmen's business
13. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS

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Board of Selectmen
Executive Minutes of July 24, 2012
Bourne Town Hall – Bourne Veterans Memorial Community Building
Bourne, MA 02532

John Ford, Chairman
Donald Pickard, Vice Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

TA Guerino

2014 JUN 25 AM 8 20
TOWN CLERK'S OFFICE
BOURNE, MASS

Mr. Ford called the meeting to order at 6:00. Mr. Pickard moved and seconded by Mr. Meier to go into executive session for the purposes of Doherty, Litigation, the Conservation Law Foundation, an update on pending litigation and to reconvene in open session. Roll Call: Zuern, yes – Pickard, yes – Baldwin, yes – Meier, yes - Ford, yes.

Town Counsel Troy and Associate Town Counsel Jordan were present at the Executive Session.

Attorney Troy update the Board on the following pending cases:

Almeder, Marconi, Professional Firefighters of Bourne, Doherty, Finn, International Association of Firefighters, Pomar, Tubbs, Village of Brookside Condominium Trust, and education the Board regarding the Conservation Law foundation action against the EPA.

A motion to adjourn the executive session and return to open session was made by Mr. Meier and Seconded by Mr. Baldwin. A roll call vote was taken by the Chairman - Zuern, yes – Pickard, yes – Baldwin, yes – Meier, yes - Ford, yes.

Meeting adjourned at 7:11 P.M.

Respectfully submitted,

Thomas M. Guerino
Town Administrator

Board of Selectmen
Minutes of July 24, 2012
Bourne Community Building
Bourne, MA 02532

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TA Guerino

TOWN CLERK'S OFFICE
BOURNE, MASS

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Pickard MOVED and SECONDED by Meier to go into Executive Session at 6:00 pm – Bob Troy re: Doherty litigation and Conservation Law Foundation – update on on-going litigation and to reconvene in Regular Session. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

Meeting called to order

7:14 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment

None requested.

Approval of minutes

Meier MOVED and SECONDED by Pickard to approve regular session minutes of 7/10/12 as amended. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 7/17/12 as submitted. VOTE 5-0.

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Meier read correspondence into the record. Copies of correspondence are available at the Town Administrator's office.

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TA Guerino introduced the new COA Director. Ms. Monteiro brings 18-years' experience. She has brought in a total of \$1.14 M in funding for the COA.

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Bruce Garret, Volta, as representative for applicant. Looking to renovate by adding a convenient store to the rear, including the installation of the storage tanks. All proper notifications were received and given to TA Guerino.

Mr. Garrett said Volta received Planning Board approval of site plan.

Paul C. Weeks, Fire Department, reviewed request and BFD concurs – when owner files permit to install underground permit; new permit to sewer; submit new FP29 to reflect new tank; submit FP289 inspection of all storage tanks.

a. Underground Storage – Volta – 48 MacArthur Blvd.

Pickard MOVED and SECONDED by Meier to approve Volta Oil request at 48 MacArthur Blvd. for installing additional 8,000-gallon underground storage tank for storage and sale of diesel fuel per routing slip (FD, BOH, TC). VOTE 5-0.

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b. Pan Mass Challenge Ride

Chm. Ford explained request is to approve the bicycle route through town and use of the movie theater parking lot. There will be a shuttle from the parking lot.

Meier MOVED and SECONDED by Pickard to approve Pan Mass Challenge Ride on 8/4/12 from 10:00 am – 7:00 pm per routing slip. VOTE 5-0.

c. Pan Mass – One Day Liquor

E-mail from Chief Woodside's required conditions attached to the routing slip.

Pickard MOVED and SECONDED by Zuern to approve Pan Mass request for one day liquor license on 8/4/12 from 12:00 pm – 6:00 pm per routing slip and to waive the license fee. VOTE 5-0.

d. MMA – One Day Liquor

Pickard MOVED and SECONDED by Meier to approve MMA request for one day liquor license, all alcoholic for MMA Summer Bash on 7/28/12 from 11:30 am – 6:00 pm per routing slip. VOTE 5-0.

Squeteague – Bath House and new proposed deck

Atty. Ford for applicant. Showed pictures of the building to the Selectmen of before and after Hurricane Bob, including what applicant is proposing to the board. Requesting permission to continue to use easement subject to the Conservation Commission. This is a case where the town received the deed in the late 1800s and states anyone who owned property shall be permitted to install bathhouses; only one still in existence he is aware of. Historic Committee is happy to see restored.

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TA Guerino – Heffernan's indicated to clear out path area for public access; within these deeds there is use by various folks in the deed and not exclusively for the use of the Heffernans. Atty. Ford explained the bathhouse is exclusively for the Heffernans but the path is for the public.

Troy memo dated 6/25/12 with regard to Roy & Clare Heffernan's proposal to construct a bathhouse on Bourne property adjacent to 40 Squeteague Harbor in Cataumet is sufficient to demonstrate the applicant has a sufficient ownership interest for the Conservation Commission to review the Notice of Intent (NOI). In addition, the proposed platform, stairs and balcony

(identified in the NOI) can be constructed on Bourne property without a separate easement granted by the town.

Atty. Troy's opinion states Ms. Heffernan has provided Bourne with sufficient evidence establishing title to the property to submit the NOI. The town, as the owner of the real property on which the bathhouse is situated, is authorized to provide written permission for the proposed re-construction of the existing bathhouse which will enable Ms. Heffernan to satisfy the requirement of MGL c. 131 Section 40 and 310 CMR 10.05(4).

The Conservation Commission must determine whether the applicant has met the burden of proof under 310 CMR 10.03(2). If the Commission makes this finding, the property owner should seek approval from the Selectmen that the proposed project is within the scope of the easement and request written permission from the town to construct the project.

Pickard MOVED and SECONDED by Meier to approve Heffernan request for bathhouse application as submitted and pending Conservation Commission approval. VOTE 5-0.

Friends of the Hoxie School

Deferred to 8/7/12.

Second reading – Town Personnel Policies

TA Guerino – pursuant to written policies, the board accepted the package, then was brought to First Reading. After First Reading, it was distributed to all depart heads, union heads, stewards. At the Second Hearing, questions or comments made by anyone who package was sent out to, accommodations will be made where appropriate and will be brought back to the board for the Third Reading an engrossment.

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Zuern – Page 10: under Hiring, Item #6 - doesn't include a research background. TA Guerino said appropriate background checks for employees can be added when they come in. She said this should be done before second interviews. Pickard suggested TA Guerino go to the Student National Clearing House site.

Pickard – need to identify what should be done for each employee with respect to certain departments.

Zuern – asked when is the CORI check done. TA Guerino said it is done prior to the third interview.

Zuern – Page 11 – CORI – with certain positions when does it happen and when is it modified and what positions to be modified. TA Guerino said when someone is working with a child, a second CORI is done, or for a laborer who comes back the town does a CORI check every other year or for recurring positions at the marina. The town doesn't do full CORI checks for seasonal employees.

Zuern – Page 16 – Location of Security, second line – safety and security. TA Guerino said certain files must be locked; other personnel files have to be in an office that can be locked. Files that deal with health related issues or civil rights would have to be in a separate, locked file with limited access.

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TA Guerino requested Second Reading have another session on 8/7/12 and to go to Third reading on 8/23/12.

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Town Administrator’s business

- a. **Board to discuss and sign override debt exclusion question regarding proposed DPW Facility**

TA Guerino correction – proposed ballot question for the DPW facility in which the Town Clerk needs on or before 8/1/12 to have included with State General Election Ballot. An up-to-date report based on the RFP is planned to go to the STM in October 2012 with facility costs as will see them at the ATM. There is still more work to be done on the final design issues (ex: facility cost, ISWM responsibilities, what the town hopes to take from other sources to bring costs down).

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Pickard – if the DPW facility doesn’t move, it affects Phase 6 of the new landfill. Per Covanta, the loss of 548,600 tons of airspace equates to \$23,353,000 in potential loss of revenue for the town. This will be the sales pitch to the voters.

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Zuern – added if you have a capital plan and show the debt exclusion is going down in certain areas, you can add another.

Chm. Ford – believes the biggest issue will be the trash pick-up.

Meier – asked if the board will know by Labor Day and wonders if the town is rushing this item. TA Guerino said it could be 9/15/12 at the latest.

TA Guerino – will speak with Stanley Andrews and the committee and reiterate the board's concerns of rushing this item.

Meier MOVED and SECONDED by Pickard to authorize the Town Administrator to notify Town Clerk of the board's intension to put the override debt exclusion regarding proposed DPW Facility on the ballot. VOTE 5-0.

TA Guerino - State Senate President's Office said the town and State Bond bill will go to Conference Committee of \$3.5M for re-configure planning and part of the construction on the Belmont Circle. This gives us the opportunity to move forward and target traffic to downtown area and making access from Sandwich Road to the bridge less cumbersome.

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Selectmen's business

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Adjournment

Pickard MOVED and SECONDED by Meier to adjourn meeting. Meeting adjourned at 9:04 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

Board of Selectmen
Minutes of July 24, 2012 AUG 24 PM 2 50
Bourne Community Building
Bourne, MA 02532 TOWN CLERK'S OFFICE
.....
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Pickard MOVED and SECONDED by Meier to go into Executive Session at 6:00 pm – Bob Troy re: Doherty litigation and Conservation Law Foundation – update on on-going litigation and to reconvene in Regular Session. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

Meeting called to order
7:14 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment
None requested.

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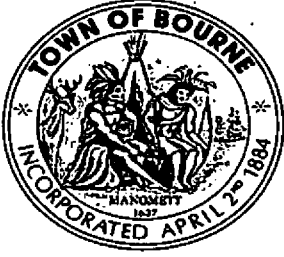
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Adjournment

Pickard MOVED and SECONDED by Meier to adjourn meeting. Meeting adjourned at 9:04 pm.
UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



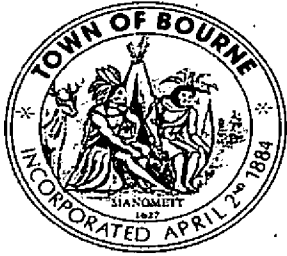
AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday July 31, 2012	4:00 p.m.	Bourne Town Hall Lower Conference Room 24 Perry Avenue, Buzzards Bay

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

Possible Debt Exclusion Ballot Question to be revoted.

2012 JUL 30 PM 12 50
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice



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2012 JUL 27 PM 3 46
TOWN CLERK'S OFFICE
BOURNE, MASS

**Board of Selectmen
Minutes of July 31, 2012
Bourne Town Hall – Lower Conference Room
Bourne, MA 02532**

~~2012-SEP-10 PM 1 13~~

TOWN CLERK'S OFFICE
BOURNE, MASS

John Ford, Chairman
Donald Pickard, Vice Chairman (excused)
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

TA Guerino

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

Mr. Ford called the meeting to order at 4:02 P.M.

Ballot question for the Public Works Facility Override.

The Board discussed the amended question as provided for discussion at this meeting. Mr. Guerino explained that the question had been altered by bond Counsel after review of the question passed by the BOS at their last regularly scheduled meeting. He further explained that it is not unusual for Bond Counsel to make changes and these would assure no financing problems in the future should the measure pass. Ms. Zuern and Mr. Ford both raised concern that this may be moving too fast and they wanted assurance that the Committee reviewing the public works facility proposal would be ready by the October Special Town Meeting.

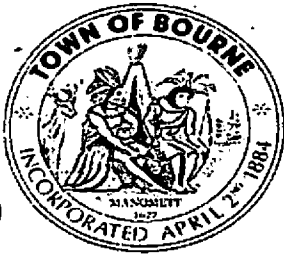
The motion was read by Mr. Meier. Upon conclusion of the reading Mr. Meier made a motion to approve the motion for the ballot as presented. Ms. Zuern seconded the motion and it was unanimously agreed to by the members present.

Mr. Meier made a motion to adjourn the meeting. The motion was seconded by Ms. Zuern and unanimously agreed to by the members present.

Meeting adjourned at 4:08 P.M.

Respectfully submitted,

Thomas M. Guerino
Town Administrator



Board of Selectmen Meeting Notice



2012 AUG 6 PM 4:00 AMENDED

TOWN CLERK'S OFFICE

BOURNE, MASS
6:00 - Set sewer rates and water coverage rates * appoint Wastewater Committee, update by Wastewater Advisory Committee as requested at previous joint session.

AGENDA

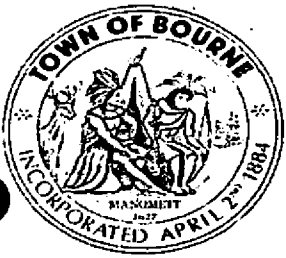
<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday August 7, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: Regular: 6.5.12; 7.10.12; 7.24.12; 7.31.12 – Exec: 7.24.12
5. Correspondence
6. Tim Mullen - Backackwards
7. Licenses/Appointments:
 - a. Hot Rod for Hero's – Block Roads
 - b. One Day Liquor – MMA (9.2.12)
 - c. One Day Liquor – Chartwells at MMA (9.14.12)
 - d. Reappointment – Recreation Committee
 - e. Appoint Custodian for Tax Title Auction – Nancy Sundman
 - f. Appoint Election Workers
8. Continuation of Second Reading of Proposed Personnel Policies.
9. Adopt Order of Assessment of Betterments for the Repair and Resurfacing of Club House Drive, Vesper Drive and Fairway Circle
10. Friends of the Hoxie school – update and possible Board Action
11. Town Administrator's
12. Selectmen's business
 - A. Discussion regarding Aboriginal Fishing Rights

13. Adjourn



Board of Selectmen Meeting Notice



5:30 Joint session for additional tax title properties.

6:00 - Set sewer rates and water overage rates * appoint Wastewater Committee, update by Wastewater Advisory Committee as requested at previous joint session.

AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday August 7, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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7:00 – 7:15 (Items 1-5) Call to order

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 - A. Discussion regarding Aboriginal Fishing Rights
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2012 AUG 3 PM 2 14
TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of August 7, 2012
Bourne Community Building
Bourne, MA 02532

2012 SEP 10 PM 1 13

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

Meeting called to order

8:12 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment

None requested.

Approval of minutes – regular: 6/5/12; 7/10/12; 7/24/12; 7/31/12 – Exec: 7/24/12

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 6/5/12 as submitted. VOTE 5-0.

Zuern MOVED and SECONDED by Ford to approve regular session minutes of 7/10/12 as amended per Elinor Ripley, FinCom. VOTE 3-0-2 (Meier and Pickard abstentions).

Pickard MOVED and SECONDED by Baldwin to approve regular session meeting minutes of 7/24/12 as submitted. VOTE 5-0.

Meier MOVED and SECONDED by Zuern to approve regular session minutes of 7/31/12 with regard to ballot as submitted. VOTE 4-0-1 (Pickard abstention)

Pickard MOVED and SECONDED by Meier to approve executive session minutes of 7/24/12 as submitted. VOTE 5-0.

Correspondence

Meier read correspondence into the record. Copies of correspondence are available at the Town Administrator's office.

Meier – would like to include in tonight's correspondence the function of the Friends of the Council on Aging and the Council on Aging (COA) on a whole. Also, he would like to include letter from Mr. Noyes with regard to the Pilgrim Power Plant (*TA recommends Mr. Noyes come forward to the board to discuss letter in more detail on 9/4/12*).

Item E – problematic and Mike Leitzel working to maintain and will continue to work to get them better.

Item A – request to put on board agenda for 8/21/12.

Item B – private way. TA Guerino explained that all private ways are maintained by the town, for year round access for both pedestrian and vehicular traffic.

Item D – letter with regard to live feed in Town Hall. TA Guerino said Mr. Anderson is waiting for the non-profit to get set up and see if live feed can be done. However, the wiring for live feed at Town Hall may not be able to be done.

Zuern – requested to also include into tonight's correspondence letter from Coreen Moore with regard to paving Main Street. (week 8/13/12) to correspondence. TA Guerino said paving to take place the week of 8/13/12 and Ms. Moore is in the process of meeting with business folks. Meier read letter into record. TA Guerino said the project may take up to 4 days in total.

Item H – Meier requested letter, thanking Mr. Tonaszuck for his work in town. TA Guerino said a letter is in file for the board's signature.

Tim Mullen – Backwards

This will be on the board's agenda for 8/21/12.

Friends of the Hoxie School

Allyson Bizer-Knox introduced the Friends as Scott Morris, Liz Henry, Barbara Fitzmorris, Gene Lanahan, Leona Bonbarce and Jane Dalton present tonight. (NAMES SPELLING).

Ms. Bizer-Knox submitted letter of support from Representative David Vieira to Meier.

Chm. Pickard – read the Friends' Option A and Option B into record. He would like to see an outright purchase and get the town off the "rolls". TA Guerino said the town pays \$20,000 per year approximately at minimum heat and electricity.

Ford – studies done and was found the building is not feasible for the town. An RFP was put out as the town couldn't afford the upkeep. He isn't willing to obligate the town for a building the town has declared as surplus.

Friends clarified by explaining their goal by the second year is to be responsible for the utilities.

Chm. Pickard – added that the Friends are looking to the town to provide plowing. TA Guerino said the Fire Chief requires up-to-date renovations be made, as the building is in too much of a danger to provide services. Meier raised the function of the pet clinic, but TA Guerino explained it has a different function.

Chm. Pickard – would like to get a bond if the town sells the building for \$1 and it dissolves for assurances.

Zuern – would like to work the issues. TA Guerino said the town will still plow roads, but the fire detail should be absorbed at the owner's cost. This is done to keep the building from being destroyed. He will contact Town Counsel. Meier would also like to know if the options are legal and enforceable.

Ford – asked if the Friends are able to pay for the expenses and upgrading. The Friends explained they are researching what needs to be done to be safer and compliant.

Chm. Pickard – asked if the Friends have seen the Cecil Report; a report on inventory on town-owned buildings. Meier to email a copy to the Friends.

Zuern- asked if Mr. Fitzmorris would be doing some of the actual renovating. He will be volunteering his services as well as other members know people to volunteer.

Mr. James Mulvey – raised concern about the town sells and then buyer "flips" for profit. Meier said in the Purchase and Sales agreement (P&S), the town can write in conditions that the property goes back to the town.

TA Guerino – Mr. Tribou and the DPW keep a watchful eye on the building as the building has had frequent vandalism.

Ford – asked why Hoxie didn't go in the auction. TA – town doesn't need to auction the building. Ford is willing to let the building go, but not in favor of having the town support it.

TA Guerino – the utilities for Hoxie are included in the remainder of this fiscal year to keep building “alive”. If another offer for the Hoxie comes in, the board would have to consider.

Ford – suggests if no one buys the property by the end of the fiscal year, to put the land up for sale.

The Friends are planning to submit a grant for CPA funds.

TA Gurerino – recommends the board consider letting the group continue work through March 2013, and during budget process come back in February and at that point the BOS can make a determination for the next fiscal year to keep the building “alive” or not. Ford is looking more of a purchase rather than keeping “alive”.

Mr. Fitzmorris – the Friends are open to the idea of purchasing sooner if they can count on the town carrying the utilities through next year.

A Friends member explained the town can lease the building while keeping the land. They are hoping to get the town and Selectmen more supportive so the Friends can get into the Hoxie Building. They need a “green light” to move forward.

Zuern – asked about a non-profit status. Friends are in the process of doing so.

Ford – town doesn’t want another building and the only hang up for the non-profit would be to maintain the building.

TA – will speak with Counsel on the purchase and sale, the bond, get in building to do things, bring “to code” before the Friends next step.

Member of the Friends asked for clarification on once the school is abandoned, it cannot be utilized as a school again.

Chm. Pickard – the board is looking at a modified version of Option 2 which starts after they have Town Counsel opinion on what can be done.

Licenses/Appointments

a. Hot Rods for Heros

Pickard MOVED and SECONDED by Zuern to approve Fraternal Order of Eagles request for Hot Rods for Heros second annual car show on 8/26/12 from 12:00 pm – 5:00 pm to block off Cohasset Avenue from St. Margaret’s Street to Wallace Avenue per routing slip. VOTE 5-0.

b. One Day Liquor – MMA (9/2/12)

Pickard MOVED and SECONDED by Meier to approve MMA request for one day liquor license on 9/2/12 from 4:30 pm – 10:00 pm at the Beachmoor as requested. VOTE 5-0.

c. One Day Liquor – Chartwells at MMA (9/14/12)

Pickard MOVED and SECONDED by Meier to approve Chartwells at MMA request for one day Beer and Wine liquor license on 9/14/12 from 5:00 pm – 12:00 am per routing slip. VOTE 5-0.

d. Re-appointment – Recreation Committee

Pickard MOVED and SECONDED by Meier to re-appoint Priscilla R. Koleshis to the Recreation Committee for a term to expire 6/30/15. VOTE 5-0.

e. Appoint Custodian for Tax Title Auction – Nancy Sundman

Ford MOVED and SECONDED by Meier to appoint Nancy Sundman as Custodian for Tax Title Auction. VOTE 5-0.

f. Election Workers

Pickard MOVED and SECONDED by Meier to approve Clerks, Officers and Wardens as presented by Town Clerk. VOTE 5-0.

Continuation of Second reading – Town Personnel Policies

No other issues tonight from the board. TA Guerino recommends forwarding to the next meeting; if changes proposed at the last meeting have been incorporated and if the board is in concurrence, then at the next meeting the board can incorporate said changes and adopt at third reading for adoption.

Ford – interested in Chief Woodward's piece as it relates to employees getting permission to work a second job. TA Guerino said it is in their contact and that would supercede this Personnel Policies.

Ford – asked if department policies are incorporated into the Personnel Policies. He is referring to Page 26 and would like it to be brought up with Chief Woodwad. Also, Page 10, #6 – any process of setting up committee to hire someone. TA Guerino said they will try to use people (and go outside if necessary) and generally sets up a committee to do reviews, but it is not in Policies as far as hiring goes as it is under the Administrator, but can set as policy. Ford concerned about consistency.

Zuern – Page 12 under Health Insurance questioned the blue cross outs. HR Director explained due to the new healthcare reform, they have to take that piece out. TA Guerino, for clarification, said Town Meeting established percentages and only Town Meeting can take them out.

Adopt Order of Assessment of Betterments for the Repair and Resurfacing of Club House Drive, Vesper Drive and Fairway Circle

TA Guerino explained this was approved by the board and at Town Meeting.

Meier MOVED and SECONDED by Pickard that the Board of Selectmen of the Town of Bourne, by our execution of this document at an open public meeting of the Board of Selectmen on 8/7/12, hereby order and assess betterments in the amount of \$580,000.000, pursuant to the authority of the Bourne Special Town Meeting under Article 4 of the 10/17/11 Special Town Meeting and pursuant to authority set for in MGL, Chapter 80 and pursuant to the authority in Section 3.1:28 of the Town of Bourne Bylaws, to the property owners listed herein in the estimated amounts set forth on the attached Exhibit "A".

The area to be benefited is shown on the following plans of land recorded with the Barnstable County Registry of Deeds Land Court Department:

Land Court Plan No. 31246B, prepared by Tibbetts Engineering Corp., Surveyors, dated 8/17/67;

Land Court Plan No. 31246C, prepared by Holmes and McGrath, Inc., Surveyors, dated 3/27/80;

Land Court Plan No. 12861V, prepared by Doyle Engineering Associates, Inc., Surveyors, dated 12/27/88;

Land Court Plan No. 33728B, prepared by Yale Survey, Inc., Surveyors, dated 7/22/74;

Land Court Plan No. 33728C, prepared by Allen D. Quintin, Surveyor, dated 7/23/81; and

Land Court Plan No. 33728D, prepared by Flaherty Associates, Inc., Surveyors, dated 9/10/94.

At a duly posted open meeting of the Board of Selectmen, this aforesaid Order of Betterments was voted and executed. VOTE 5-0.

Town Administrator's business

Will discuss the article in the paper relative to the gaming compact might affect court.

Ford – is interested on how this might affect court. TA Guerino said Mr. Mullen has a copy and was asked to look into to see what towns can do to protect conservation areas.

Selectmen's business

Meier – thanked Police and Fire Departments for the PanMASS challenge.

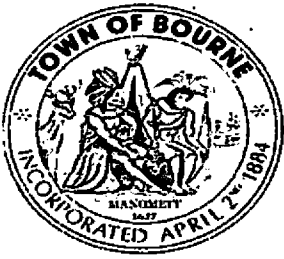
Ford – notified the public of the 8/13/12 service for Thomas Kelson (NAME SPELLING) at the National Cemetery at 11:30 am.

TA Guerino reminded the board that next Tuesday's meeting is a workshop with the Finance Committee.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn meeting. Meeting adjourned at 9:27 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice



WORKSHOP AGENDA

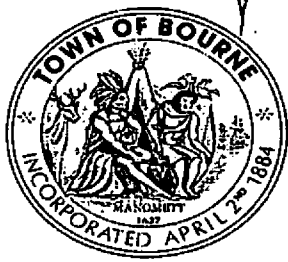
6:30 p.m. Joint Session with Finance Committee.

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

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday August 14, 2012	7:00 p.m.	Bourne Veterans' Memorial 239 Main Street, Buzzards Bay

1. Call Meeting to order
 - a. Sullivan, Rogers & Company, LLC to review and discuss report on FY 11 Municipal Audit with the Board of Selectmen and Finance Committee
2. Conclude Joint Session
3. Selectmen to discuss Facilities Manager position
4. Set Special Town meeting date for October 29, 2012
5. Adopt Executive Order action regarding Transportation Advisory Committee from October 18, 2011 meeting.
6. Adjourn

2012 AUG 10 PM 2 54
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice AGENDA



6:30 P.M. Executive Session – Contracts related to ISWM - Fire Negotiation

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday August 21, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: 8/7/12

5. Jean Stanley – Housing Rehab

6. Discussion/presentations regarding CVEC projects in Bourne

7. Bassett's Island

8. Correspondence

9. Discussion and vote on Tax Title Property for Public Auction

10. Licenses/Appointments:

- a. Appointment - Education Scholarship Committee (Trish Lubold)
- b. Watershed Bike Ride
- c. MMA – Three One Day Liquor [9/15 – 10/4 – 10/6]
- d. Signing of Easement – Circuit Avenue

11. Overview of the Conservation Law Foundation issues with Mr. Gottleib, Cape Cod Water Collaborative - J. Ford O'Connor and Andrew Campbell Bourne Water District. Discussion of issues related to the legal action of CLF

12. Third Reading of Proposed Personnel Policies – Possible adoption/vote

13. Town Administrator's Report

14. Selectmen's business

- a. Final Goals Adoption
- b. Adopt Amended Executive Order - Transportation Committee

15. Adjourn

2012 AUG 17 PM 12 58
TOWN CLERK'S OFFICE
BOURNE, MASS

**Board of Selectmen
Minutes of August 21, 2012
Bourne Community Building
Bourne, MA 02532**

2012 SEP 10 PM 1 14

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Chm. Ford called meeting to order at 6:00 pm.

Baldwin MOVED and SECONDED by Meier to go into Executive Session to discuss contracts related to ISWM – Fire negotiation and then to return into public session. Vote: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- DNR Director's Bassetts Island map and General Laws Chapter 102 dated 8/21/12 – 2 pages
- Cape & Vineyard Electric Cooperative report dated 8/21/12 – 8 pages
- Cape Light Compact Update report dated 8/21/12 – 5 pages

Meeting called to order

7:07 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment

None requested.

Approval of minutes – regular: 8/7/12

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 8/7/12 as amended. VOTE 5-0.

Jean Stanley – Housing Rehab

TA Guerino requested to defer to the next meeting.

Discussion/presentations regarding CVEC projects in Bourne – Maggie Downey and Paul O’Keefe

Ms. Downey, Assistant County Administrator for Barnstable County and appointee to the CVEC.

Brief background on CVEC which consists of 20 members. Bourne was chosen by CVEC to maximize benefits for its community due to a surge in solar projects and urgency due to Net-Metering Cap. Solar PV Round 2 is ground and roof mount installations.

CVEC RFP process was reviewed as well as project structure. Electrical contractor is Broadway Electric Company.

CVEC Bourne PV Projects:

- Sagamore Fire Station
- Bourne Community Center
- Bourne High School

The BMS project is still in flux as different roof sizes are being reviewed at this time. Total KW is 425.41, estimated annual electrical savings is \$21,835.72. Over the life of the system (20 years) would be \$686,785.42.

NStar to allocate Net Metering Credits. All three facilities will have their electric costs offset by the PV systems’ net metering credits.

CVEC PV Solar Round 2 next steps and timetable:

- Contracts between entities and CVEC in process
- Vendor has begun interconnection and environmental permitting processes this summer
- Construction may begin on some roof installations in late fall.

Meier – asked about if any work would void roof warranties on the buildings. Ms. Downey said CVEC is in contact with the roofing company and working with them.

Meier – asked about the payback. Mr. Elrick (Energy Coordinator) answered a link for energy savings and production information will be emailed to the board.

Mr. Schofield – representing the Cape Light Compact and a member of the Energy Advisory Committee, discussed the BMS. He said one of the other issues holding back the project is the SRECs; Mr. Elrick is working to get the SRECs, which would give the town additional \$15,000.

Zuern – asked about tax incentives. Ms. Downey said there are Federal incentives as well as incentives in the Green Communities Act through the Net-Metering credit.

Pickard – raised issue of transparency of CVEC and Cape Light Compact. Ms. Downey said there are no legal issues to prevent the beginning of the CVEC Solar work.

TA Guerino – with regard to the BMS roof, a company was hired to do infra red testing to find exactly where the leakage is in the roof. This is a minimally invasive test and will be done within a couple of weeks. Once said test is complete, the BMS will go out to bid before the end of the fall, working to move forward.

Mr. Gately – asked how big the panels are. TA Guerino said one panel is 3'x5'.

Mr. Mulvey – raised concern with the structural capability of the solar structures. Technology is evolving rapidly and wondered if technology of these panels will be outdated and need to replace with new development. He also raised issue of who owns the panels on a municipal building. Ms. Downey responded they use architects and engineers to work with the roof support of the panels. The panels are owned by Broadway Electric (which also has the liability contract) until purchased. As far as other issues raised, steps have been taken on the town's best interest and that it is protected. Bonds are set up to protect the town from the developer.

Mr. Kapsambelis – member of the EAC, asked about decommissioning. Ms. Downey said money has been set aside for the developer who is responsible for decommissioning.

Ms. Downey – handed out the Cape Light Compact update. Bob Schofield is representative to the Cape Light Compact. Brief overview is that 12,661 electric accounts in Bourne. CLC energy efficiency program serves all 12,661 customers. CLC is part of the MA state-wide energy efficiency plan. 764 Bourne customers saved over \$415,000 by participating in CLC compact programs; municipal projects totaled \$72,305 for investments at: BHS, Otis AFB, UCT, and MMA.

CLC working on the 2013-2015 Energy Efficiency Plan. Highlights briefly reviewed.

Upcoming Action Items – Finalize the 2013-2015 Energy Efficiency Plan, CLC Board to vote in September to engage auditor for both retrospective and prospective audits of all CLC Funds.

TA Guerino – asked if recreational areas were looked at and is there any LED or solar projects for lights and park areas. Ms. Downey said the CLC cannot use funds for repairable projects with regard to solar projects, however, an LED parking lot retro-fit kit is available. Field lights are not pursued as it becomes a safety issue, but she will get back to TA Guerino.

Meier – asked about the LED lights as far as brightness. Ms. Downey said a demonstration contract with the DPW for the town is to identify 7 streetlights. This is significant savings in money as the lights are a cooler, white light. The swap out cost is done through the program.

Zuern – asked how is the LED project subsidized. Ms. Downey said it funded from a surcharge on the monthly electric bill. Zuern has concern about mercury in the LED lights. Ms. Downey said only the CFLs have mercury and not the LED lights. Zuern asked how to care for CFLs that break in your house. Ms. Downey said to sweep and bag – do not use a vacuum.

Mr. Schofield – an audit proposal was done for 7/03 - 12/08 and a performer was done to see the result in those 5 years, costing the CLC \$30,000. For an additional cost of \$30,000, proposing a full audit in 2009 and 2011. This year, the CLC put in budget to do a full audit. Most of the money is from the energy audit and monitored by the DPU. He is asking the board tonight whether willing to spend \$130,000 or a part of that \$130,000 to construct these audits after the fact. He doesn't need an answer tonight. This money comes out of the reserves the CLC set up in case the Compact disappeared to cover costs.

Chm. Ford – asked about the independent audits. Ms. Downey said the accounts in 2009 and 2011 are to put the transparency between CVEC and CLC to bed. This is no cost to the town.

Chm. Ford- asked what a resident would save in electrical costs if they went with the CLC. Mr. Schofield estimated about \$10 per month, but gets more significant with commercial accounts.

Zuern – asked about energy audit process. Ms. Downey said once a year an energy audit can be done at a home and makes a list of recommendations. Incentives are given to implement the recommendations, but are up to individual home owners whether or not to move forward. Zuern also asked about meters. Ms. Downey said this is a pilot project and eventually every home will have interactive smart meters.

Meier – Meridian Power contacted his neighborhood. Ms. Downey said there is competition, but the CLC has just put together a helpful fact sheet which she will forward to TA Guerino for consumers.

Mr. Mulvey – for clarification, the CLC energy audit is funded by surcharge of monthly bill.

TA Guerino – asked if it is necessary for this board to vote or will the CLC Board of Directors vote. Ms. Downey said the CLC Board members gave town representatives a choice to go back to their respective boards of selectmen; the directors tabled their votes and some members chose to go back to their selectmen (Mr. Schofield chose to do so and to act on this board's behalf).

Chm. Ford – asked why the audit system isn't started now. Ms. Downey said the CLC Board of Directors voted on when to do audits.

Bassett's Island – Tim Mullen

Events that took place the last Saturday in July 2012 reviewed as well as the Bass Ackwards Race timeline:

2009 - organized by the Kingman Yacht Club. Since the growth in 2009, sanitation required and clean-up.

2010 - the largest crowd; minor boating accidents and injuries at which Kingman pulled their permit and requested to continue the race on their own property.

2011 – crowd was a little rowdier but no serious accidents occurred; a younger crowd and less locals and boats recognized.

2012 - weather was unfavorable and weren't expecting a large crowd. 80% of people anchored between 18 and 30; some locals but predominately out-of-towners; underage drinking in which became violent with fist fights (none of the vessels or party goers were involved in the race and to only "party").

2013 - DNR, PD discussed at length and to deal with potential of a large crowd to recommend race organizers to cancel event for a year (give idea if people just showing up for a party). He proposes to close Red Brook Harbor, no anchorage to eliminate issues of this year. Looking for help from the local media ahead of time stating there will be no anchorage in Red Brook Harbor, there will be police presence, officers assigned to all patrol boats.

Mr. Mullen believes this is the most efficient and effective plan moving forward.

Zuern – asked about what is to stop people from coming on another date. Mr. Mullen said he is prepared and will staff appropriately. She also asked if one is fined on the waterway, does it affect your driver's license. Mr. Mullen said if convicted, yes.

Pickard – asked how many boats are anchored at Bassets. Mr. Mullen said between 150 – 200. Pickard said enforcement is the best thing and if there was something the town can do. He suggested offering the State Police a slip to supplement the town's enforcement. He also suggested bringing in supplemental summer staff (as long as no benefits are required to cost the town more money). Mr. Mullen said the State Police declined last year.

Chm. Ford – suggested Mr. Mullen go through the Executive Office of Public Safety.

Mr. York – requested Mr. Mullen to list anchoring prohibition and agrees enforcement is the key.

Mr. Zeien – is in agreement of the enforcement. The town should take issue with public drinking as it is prohibited. Kingman's takes all activities into an adult responsibility. He is agreeable to work with Mr. Mullen and suggested possibly having the event two weeks in advance.

Mr. McPhee – sent an email to the Selectmen which raised concern with public safety.

Meier – asked where Mr. Mullen is suggested prohibiting anchoring. Mr. Mullen highlighted the area in yellow.

Mr. Mulvey – use same means of communication not too far ahead of this establishment and state bus shuttles will be used for booking offenders.

Correspondence

Meier read correspondence into the record. Copies of correspondence are available at the Town Administrator's office. He added two more additional items.

Item E – Electric Avenue and Shore Road has also done in the past.

TA Guerino added the email correspondence from Mr. York relative to pedestrian bicycling representation has been added to tonight's correspondence. After speaking with the Commission, he proposed for the board's approval to add a bicycle/pedestrian representative to sit on the Transportation Committee.

Discussion and vote on Tax Title Property for Public Auction – Nancy Sundman

There are 40 parcels of land the board voted to go to tax title. At that time there was one complete list. This past week, the lists were combined into one. There were two (2) parcels that were not included in the list given to the auctioneer. The board needs to decide, as we move forward with the auction, whether they want to include those 2 parcels. Rocky Point was provided to the auctioneer and classified as "water view", when in fact it is actually "waterfront". The assessment of the property is \$175,000 but she was not sure if that was the water view or waterfront assessment. Ms. Sundman was concerned with the value of the property in connection with the absolute auction. Town Administrator was going to check with Assessor's Office. The auction date was postponed at this time. Some of the parcels are in conservation restriction in perpetuity and wondered why you would sell property if you cannot do anything with it. In speaking with Town Planner, she was told that if a parcel is contiguous to an abutting property owner, it can be combined as one lot and would have a value to an interested abutter for future additions.

Chm. Ford – asked TA Guerino if the town can be protected from a developer. TA Guerino will ask Town Counsel; most of the parcels are not large but if a home lot, he doesn't believe there is a lot for development.

Chm. Ford – TA Guerino said the board opted to go with the absolute auction. In looking at the Rocky Point assessed value, TA Guerino would like to have something in writing from the auctioneer to determine how that property will be auctioned off based on the assessed value.

Chm. Ford – asked about 33 Heather Hill Road. TA Guerino said the board would have to take a vote to pull from being auctioned.

Ms. Sundman said the two parcels not put on the list are: 0 Old Dam Road (Page 5) and 10 Samoset (Page 2).

Pickard MOVED and SECONDED by Baldwin to put two parcels – 0 Old Dam Road, 27.0_023.00 and 10 Samoset, 04.1_161.00 on the auctioneers list at the next public auction. VOTE 5-0.

Ms. Sundman – Page 3 – nothing to auction off as it is only airspace. 14.0_048.02 leave as is.

Pickard MOVED and SECONDED by Baldwin to not to put up for auction - 33 Heather Hill Road, 16.0_041.00 on the upcoming auction. VOTE 5-0.

TA Guerino and Chm. Ford commended Ms. Sundman for her work on this auction final list. She will get in touch with the Tax Title Attorney and give complete list of 38 parcels to the auctioneer moving forward.

Licenses/Appointments

a. Appointment – Education Scholarship Committee (Trish Lubold)

Pickard MOVED and SECONDED by Meier to appoint Trish Lubold to the Education Scholarship Committee for a term to end 6/30/14. VOTE 5-0.

b. Watershed Bike Ride

Pickard MOVED and SECONDED by Meier to approve Buzzards Bay Coalition Watershed Bike Ride request on 10/14/12 from 9:00 am in Westport and to finish in Woods Hole at 5:00 pm per routing slip.

Baldwin – asked about Canal Service Road and would like permission from the Army Corps. Pickard read route into record. TA Guerino said this has been done in the past.

Meier – asked how many bike riders. Pickard said there is no mention of size or riders. TA Guerino said it has been done in the past and not a large group. Meier is sympathetic and should be notified through the media.

Mr. York – mentioned some of the routes are incomplete; cyclists crossing from the Scenic Highway, (possible details mentioned Chm. Ford) should be addressed. He rode over the bridge and the sidewalk was impeded by a thorny bush. The State says it is the town's responsibility to

clear. It took him personally 16 hours to clear the sidewalk himself with the town mulching the brush.

VOTE 5-0.

c. MMA – Three One Day Liquor (9/15/12; 10/4/12; 10/6/12)

Pickard MOVED and SECONDED by Meier for Beachmoor @ MMA request 9/15/12 – wedding event from 4:00 pm – 9:00 pm; 10/04/12 – comprehensive strategies function from 5:00 pm – 9:00 pm; and 10/6/12 – wedding ceremony from 12:00 pm – 6:00 pm. VOTE 5-0.

d. Signing of Easement – Circuit Avenue

No motion necessary. The board signed tonight.

Overview of the Conservation Law Foundation issues with Mr. Gottlieb, Cape Cod Water Collaborative – J. Ford O'Connor and Andrew Campbell Bourne Water District. Discussion of issues related to the legal action of CLF

Mr. Gottlieb discussed two separate legal actions. The first was the EPA for not using its discretionary authority properly for 13 systems – those total maximum daily loads failed to take into account non-point sources - the relationship between point and non-point sources is a huge issue.

The second suit alleges a Section of the Clean Water Act in 1973. The claim states the obligation for the entity in charged with developing (preceding the Cape Cod Commission) to annually update and fro the EPA to certify annual. This action claims systems were not annually updated and therefore not compliant and seeks to impose unspecified monies.

Chm. Ford – asked about how the Conservation Law Foundation is funded. Mr. Gottlieb said it is a 501C3.

The Foundation served the EPA; notice of suit went to the Barnstable County. Upon receiving notice of suit, the count engaged special counsel and provided a response articulating why both lawsuits are unfounded.

The Department of Justice is representing the EPA. Ford – asked why Barnstable involved. Mr. Gottlieb said as a separate entity, they want their own counsel.

Chm. Ford – looking for regional solution and may settle with regional sewer. Barnstable has no authority to manage a wastewater system of any size. Has not been party to any proposed settlement to the suit.

Pickard – asked if there is another county involved. Mr. Gottlieb said the suits are focused on Cape wastewater.

The claim made on the suit where EPA has discretion to determine groundwater should be treated as surface water discharges. The argument for plaintiffs to succeed is there is a connection in what to put in the ground; then becomes a question on where do you draw the line. If taken to the extreme (anything you put in the ground) one can easily extend permitting requirement to the homeowner. The county's position is Federal permitting is inappropriate and shouldn't happen. The law doesn't support and it is bad regulation. If the permitting requirement extends to the homeowners, there is no Title 5 system that would meet Federal permitting standards. The only option is the have a tight tank or to be connected to a treatment system. It will result in Title 5 owners in violation and subject to fines or result in towns intervening and building treatment systems and take everyone and bankrupt what is necessary.

County's position is that it is a bad outcome for the county. Plaintiff says permits are required and EPA has jurisdiction. EPA agrees with the plaintiffs and disagree that didn't abuse discretion.

TA Guerino – commented on only looking at the Cape. He asked Mr. Gottlieb what the benefit is for Cape towns to intervene. Mr. Gottlieb said the county has chosen not to intervene. They have the expectation that someone may enjoin the county and there will be no urgency to intervene (it is also expensive to participate). The county has not recommended any communities not to intervene.

Mr. Gottlieb said last fall parties entered into settlement talks and invited the county to be part of the process; Mr. Gottlieb and Mr. Nezrecki (SP?) did participate in 10 sessions to educate the community through the county. Mr. Gottlieb and Mr. Nezrecki (SP?) withdrew from the settlement discussions. Discussions resulted in not settling and notified the court in May there was no settlement. Last night UPA filed to dismiss the 208 suit and anticipates dismissing the other suit. The court will decide to dismiss or not. If not, go to arguments and then oral arguments and go on trial.

In summary, the County is not a part of the suits. EPA will share the "pain" with everyone locally.

Ford O'Connor – counsel for Bourne Water District, said there is no one on behalf for the Cape towns. If allowed, will be there to see what happens and discuss Bourne Water District for impact and what will be faced with the decision. Bourne Water District will file to intervene, put money aside to watch the Cape, and if there is a settlement, we are there.

Limiting to watch and tell what is going on. Voted \$40,000 from old legal fees, as did Sandwich, which is enough to keep some "hand" in the game.

Zuern – EPA saying cannot do this, but a non-profit can get power through the court system. Atty. O'Connor said the EPA will have all power. This would be total federal control.

Ford O'Connor – would like the opportunity for the Water District to be there for the settlement as their goal is to have good, clean water and not be bankrupt.

Chm. Ford – New Bedford and Boston for example are allowed to discharge into the ocean. MMA couldn't upgrade their plant as they were grandfathered. If they cleaned to drinking water, MMA could no longer discharge in the canal which doesn't make sense. The costs for Cape plants are extravagant.

Zuern – asked if Bourne should get involved. Ford O'Connor would love to have other towns to join. Zuern feels maybe Bourne should be a part of this.

TA Guerino – based on what Mr. Gottlieb and Ford O'Connor have discussed, other than financial assistance, what value does Bourne add to this intervention that the Water District isn't already doing. Ford O'Connor said the town may have other concerns and that the Water District is only concerned with clean water.

Chm. Ford – if the town has to sewer everything including condos or large plants and leave residents under Title V, it would be a great cost.

Pickard – if Bourne signed on as an intervener, he wonders if we would have a voice, unless had separate legal advice.

TA Guerino – suggests if the board wants to continue, we can augment the budget for the special town meeting to include.

Zuern – need to talk to other people on what the role would be. Chm. Ford said Atty. Troy told him Bourne would need an Associate Town Counsel as he himself represents the town.

Mr. Gottlieb – suggests Bourne obtain a subject matter counsel to fully participate and to look at the town's ability to intervene and what your standing would be. A lot of the financial issues raised by one town will be fairly common.

Mr. Mulvey – other areas are not impacted. New Bedford is highly organized and funded from Fall River to Gosnold. That is one of the organizations you are dealing with now.

Third Reading of Proposed Personnel Policies – possible adoption/vote

TA Guerino would like to table. There are some issues and need re-wording and will come before the board. Chm. Ford had some things he looked at and will address at the next meeting.

Zuern – asked about wording with regard the deletion on Page 13. TA Guerino to follow up.

Town Administrator's report

Zuern asked about job description for the Facilities Manager. TA Guerino will put on the agenda. Scope of duties will be discussed with Superintendent of Schools; as it will be a shared position, there will be a co-manager directive.

Chm. Ford – asked if the position has a co-manager, will the school pay for part of the position. TA Guerino said not at this time.

Zuern – feels the TA should be the person the Facilities Manager reports to.

Pickard – believes the Superintendent has the “lion’s share”. TA Guerino said the town can do an MOU for another night.

Mr. York – asked if marinas, parks and town beaches are included under the Facilities Manager. TA Guerino said marinas would be done through the DNA; parks would be through the DPW and beaches are not included.

Meier – asked about the description of the Facilities Manager with regard to assessments. TA Guerino said this position would be a contact point.

Selectmen’s business

a. Final Goals Adoption

Goal – Financial (Pickard liaison)

1. Justification of dollars and proof of sustainability for any new recommended positions
2. Improved payroll costs measures for the monitoring and reporting of overtime
3. Revenue Stream Enhancements (ISWM/COADY)
4. Completion of Financial Policy Manual in consort with the Town Audit recommendations
5. Other Post Employment Benefits (OPEB) discussion and strategy

Goal – 2014 Cape Cod Canal Celebration (Ford liaison)

1. Public safety/EMS – crowd control and traffic movement – secure outside sources for the financial burden and other lead agency support
2. Eyesore removal privately owned building beautification
3. Municipal building and groups spruce-up
4. Municipal Agencies to work cooperatively with the Celebration Committee
5. Partnership with Neighborhood Associations
6. Combine and coordinate with Town Hall Anniversary Celebration

Goal – Municipal Engagement (Meier Liaison)

1. Review Boards and Committees level of effectiveness and efficiency
2. Encourage broader participation of under-represented groups (youth)
3. Require and encourage more transparency (more CATV coverage as an example)

Goal – Wastewater Planning (Zuern, Baldwin liaisons)

1. Wastewater planning for Bourne which assures local control and decision making negating the need of a large regional governmental entity.
2. Compliance with the goals and objectives set forth in the Long-term Comprehensive Plan
3. Monitor the movement of the Conservation Law Foundation's current action against EPA related to Buzzards Bay

Meier MOVED and SECONDED by Zuern to adopt the Bourne FY2013 Goals – July through April as outlined.

TA Guerino – reminded the board that some items are multiple year items, but need a starting point.

VOTE 5-0.

b. Adopt Amended Executive Order – Transportation Committee

Zuern – asked if the Bicyclist/Pedestrian would be appointed by the board. TA Guerino said yes.

Baldwin MOVED and SECONDED by Pickard to adopt Amended Executive Order for the Transportation Committee (Chief of Police or his designee, DPW Director, representative of the Cape Cod Commission or the MPO, Planning Board, Bicyclist/Pedestrian representative and four [4] members appointed by the Selectmen) as outlined. VOTE 5-0.

Mr. York – discussed small projects would involve bicycles with the Transportation Committee. He wanted to clarify at the last board's meeting discussion, the term "all" users should be included.

Zuern – sent a Proclamation that will be on the next meeting's agenda. She attended the meeting on Eco Toilets and would like to put on a meeting agenda in September.

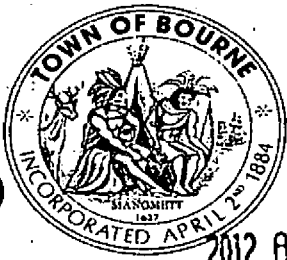
Pickard – ask the Chm. of Selectmen to select at which meeting dates would be best for Board of Sewer Commissioners meetings and to send topics to TA Guerino. He requested Ms. Coffin, Board of Health and Ms. Moore, Town Planner, to review counterparts' suggestions to their own boards as far as addressing bylaws with regard to the Wastewater Planning report from the 7/10/12 meeting. TA Guerino will send request out.

TA Guerino – next meeting will be 9/4/12 and requested a complete agenda be filed next Wednesday and would be appreciated.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 10:15 pm.

Respectfully submitted - Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



2012 AUG 30 PM 3 57

Date TOWN CLERK'S OFFICE
Tuesday BOURNE, MASS Time 7:00 p.m.
September 4, 2012

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: 8/14/12; 8/21/12
5. Correspondence
6. CDBG update - Jean Stanley – Update regarding the Housing Rehab. Grant from DHCD – postponed till 9/18/12.
7. Bourne Society for Historic Preservation – Mrs. Beth Ellis
8. Charles Noyes – re: Emergency Plans and issues with Pilgrim Yankee Energy and update on Emergency Management program.
9. Keene Street parking – this relates to parking and disruption of the neighborhood/complaints related to canal access by fishermen (people)
10. Licenses/Appointments:
 - a. MMA – [2] One Day Liquor
 - b. Overbrook House – One Day –Private function
 - c. Patricia Sanford - Park bench at Keith Field – Vote
 - d. Proclamation – Suicide prevention month – from the Samaritans
11. Town Administrator's Report – STM and D.P.W. facility.
12. Selectmen's business –
 - a. BOS meeting calendar through 12/21/2012
 - b. Discussion to establish date for BOS response to Charter Compliance Committee Findings
 - c. Update on MMR wastewater capacity meeting (Mr. Baldwin and Pickard)
13. Adjourn

Board of Selectmen
Minutes of September 4, 2012
Bourne Community Building
Bourne, MA 02532

2012 OCT 18 AM 10 30

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk (excused)
Earl Baldwin
Linda Zuern (excused)

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- Private Petition Zoning Change ATM May 2012 dated 9/4/12 – 6 pages

Meeting called to order

7:00 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment

None requested.

Approval of minutes – regular: 8/14/12 and 8/21/12

Pickard MOVED and SECONDED by Baldwin to approve joint regular session with the Finance Committee minutes of 8/14/12 as submitted. VOTE 3-0.

Pickard MOVED and SECONDED by Baldwin to approval regular session minutes of 8/21/12 as submitted. VOTE 3-0.

Correspondence

Baldwin read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Item H – Chm. Ford and Pickard will attend meeting to make School Committee appointment.

Item C – will be put on the town website under correspondences.

Item A – CVEC was not found to be in violation of the Open Meeting Law, however one technical violation was detected per Attorney General.

Item B – County Extension Manager to come before the board on 9/18/12.

Jean Stanley – Housing Rehab

Postponed until 9/18/12.

Bourne Society for Historic Preservation – Mrs. Elizabeth Ellis

Private Partition Zoning Charge ATM May 2012 – adjacent to the Bourne Public Library.

Ms. Ellis requesting support of an article for the 10/29/12 Special Town Meeting that has been endorsed by the Bourne Society of Historic Preservation asking the town purchase the property at 9 Sandwich Road, Bourne Village a/k/a the Keene House.

If this article gains support of the board, a period of about two years for the disposition of the house is to be determined. The society is requesting the house be given a stay of execution while at the same time the town acquires a piece of land valuable to the town for future municipal use. The parking lot to accommodate municipal demands would be able to have access/egress from Perry Avenue.

TA Guerino – 9/14/12 is the deadline for the filing of articles for the STM on 10/29/12.

Pickard – commented on the parking and everyone could benefit from and be a plus to the area. Any groups have an interest in restoring the building and have as part of the inventory or have footprint of building in a deed restriction to whatever society wants it. Ms. Ellis said discussion was held and are struggling to maintain properties they have currently. After restoration it needs to be maintained and there must be a use for it. The society said they don't have a use at this time. They are hoping to offer to another non-profit (including out of town) or to an individual, recognizing if an individual buys, the town will lose the land.

Chm. Ford – asked about the assessment. Ms. Ellis said the town's assessment is too high and it is not livable, but able to be restored and preserved. The society will investigate the parking issue as well as sub-division as the property is on the market.

Pickard – if cannot use CPA funds, could another group use the funds for preservation and maintenance. Ms. Ellis said they would need a purpose for the building.

Ms. Ellis – assessed value of the land \$137,200 and the building valued at \$236,000 per assessor's map.

Mr. Barlow – on the society's agenda for next week for discussion. Building Inspector has inspected the building. The house was moved to where it is currently about 100 years ago. The cellar is on the log rollers it was rolled in on. The house is worth saving and moving to one of the society's properties. The town needs parking in this area. He encourages the board to view the property and give it some thought.

Mr. Agrillo – commented on making a parking lot for the health clinic. Pickard said it would be parking for the whole community. Mr. Agrillo asked if the town makes a parking lot, can anyone use as a public parking lot. The answer was yes.

Ms. Ellis – one of reasons of opposing zoning change to cross to the medical center would be very dangerous. If the town owns the property, there would be access/egress from Perry Avenue and not walking across Sandwich Road.

TA Guerino – if the board would want to consider intent brought before you tonight, the board can vote to put on the STM for 10/29/12.

Ms. Ellis – suggested the board draft the article themselves.

No board vote was made tonight to take action.

Charles Noyes – re: Emergency Plans and issues with Pilgrim Yankee Energy and update on Emergency Management program

Requesting the board make a formal request in writing to the State legislature to include Bourne in the Pilgrim Power Plant (Entergy) Emergency Plans. Bourne has not been part of the program nor has any input in the past.

Chm. Ford – concurs with Mr. Noyes.

Bill Maurer (Falmouth resident) – requesting the boards' support of Mr. Noyes' request.

George Carson - is in support of Mr. Noyes' request.

In addition, Mr. Noyes' gave an update on the Emergency Management Program. A review with TA Guerino has been completed and after updated, a final review will be sent to Department Heads to incorporate into their budget items for the next fiscal year. In the past year the town has acquired a trailer for the purpose of a non-motorized, intimate command post.

With regard to Hurricane Irene last year, most people were able to take care of themselves for 72 hours before other agencies came in for assistance.

Janet Misora (West Falmouth resident) – is also in support of Mr. Noyes' request.

Keene Street parking – this relates to parking and disruption of the neighborhood/complaints related to canal access by fishermen (people)

Mr. George Carson reviewed his complaints for the record that have happened before the 4:00 am hour.

Chief Woodside, per email of 7/13/12 to TA Guerino, commented on only fielding two calls; one of the calls was late in the day (not in the morning). The problem isn't parking, but the noise the fishermen make getting to their vehicles and will enforce any restrictions as much as possible. He suggested parking restrictions of 10:00 pm – 6:00 am to the board.

Baldwin MOVED and SECONDED by Pickard that the board enforce a restriction of parking on all of Keene Street from 10:00 pm – 6:00 am, posted on both sides of the street.

TA Guerino said an Executive Order will be created for board's signature on 9/18/12 and will at that point go into effect.

Mr. Mulvey – suggested getting notoriety of the fishing associations, bait shops, sport fishing clubs of the issue at hand.

Ms. Ellis – trash is not limited to the fishermen but sympathizes with the issue Mr. Carson raises. The town needs to be more visionary with parking for the community.

TA Guerino – restriction on Keene Street gives the police some enforcement.

VOTE 3-0.

Licenses/Appointments

a. MMA – 2 One Day Liquor

Pickard MOVED and SECONDED by Baldwin to approve Commonwealth of Mass and Mass Maritime Academy request for the Beachmoor at 11 Buttermilk Way, Buzzards Bay and ABS Library Information Commons, MMA at 101 Academy Drive, Buzzards Bay for two (2) One Day Liquor - All Alcoholic on 9/26/12 for the Bourne Financial Development Corporation from 4:30 pm – 7:00 pm and on 10/13/12 MMA Event: Class Reunion from 4:00 pm – 10:30 pm per routing slip. VOTE 3-0. *TA Guerino – noted an error on the card and will have re-typed and have for the board to sign on 9/11/12.*

b. Overbrook House – One Day – Private function

Pickard MOVED and SECONDED by Baldwin to approve Overbrook House request for One Day Liquor License – Beer and Wine for wedding ceremony on 9/15/12 from 3:00 pm – 9:00 pm at 400 Head of the Bay Road, Bourne per routing slip. *Pickard – asked about how PD will enforce compliance with all Chp. 138 laws – TA Guerino will contact Chief Green and report back to the board.* VOTE 3-0.

c. Patricia Sandford – Park bench at Keith Field - Vote

Pickard MOVED and SECONDED by Baldwin to approve Patricia Sandford's request for permission to place a bench at Keith Memorial Field behind the back stop in memory of her father, Mr. Pat Sorenti. VOTE 3-0.

d. Proclamation – Suicide prevention month – from the Samaritans

Pickard MOVED and SECONDED by Baldwin to approve Proclamation of Suicide Prevention Month to designate September 2012 as "National Suicide Prevention Month" in the town of Bourne.

Rose Cole – a volunteer, is asking for volunteers with the Samaritans as they are desperate for help. A future seminar will be held at this building on an outreach for the Elderly, Hot Line program and a program for Facilitators of Suicide Victims.

Mr. Agrillo – is in support of helping people.

Ms. Donovan – commended the May presentation documents and took paperwork to the public safety departments.

VOTE 3-0.

Town Administrator's report

All articles have to be in by 9/14/12 for the STM of 10/29/12 – it is 9/13/12 for the Department Heads.

DPW Facility – Capital Outlay meeting on 9/10/12 with regard to the DPW facility.

Contractual issues with the TA 2 – attending a managers program at ICMA from 10/5/12 – 10/10/ for the conferences in Phoenix, AZ.

Update on highways – will wait for Meier to be present to discuss.

Selectmen's business

a. BOS meeting calendar through 12/21/12

9/11/12 – public meeting at 6 pm – bring DPW Committee for update

9/18/12 – BOSC and BOS regular meeting

9/25/12 – no meeting

10/2/12 – public meeting

10/9/12 – signing of warrant (TA Guerino will be in Arizona)

10/16/12 – no meeting

10/23/12 – BOSC and BOS regular meeting

10/30/12 – no meeting

11/6/12 – no meeting

11/13/12 – regular meeting

11/20/12 – regular meeting

11/27/12 – regular meeting

12/4/12 – regular meeting

12/11/12 – workshop

12/18/12 – BOSC and BOS regular meeting

12/25/12 – no meeting

1/1/13 – no meeting

b. Discussion to establish date for BOS response to Charter Compliance Committee Findings

At board meeting of 9/18/12, Atty. Troy and Atty. Michael Ford to entertain a response to the Charter Compliance Committee findings at 7:00 pm; BOSC and Wastewater Committee at 6:00 pm – *TA Guerino will check with Ms. Riggs for the Wastewater Committee attendance.*

c. Update on MMR wastewater capacity meeting (Mr. Baldwin and Pickard)

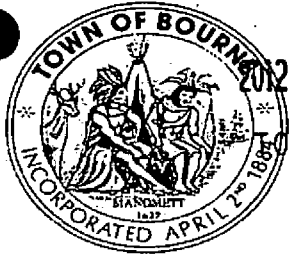
Baldwin - MMR is looking to have a municipality/municipalities to take up expenses for running their sewer system. Falmouth and Mashpee have significant amount of interest. There are possibilities of disposal with ISWM. Baldwin added there may be a possibility of Upper Cape Wastewater but wouldn't be at the expense of a private entity.

Pickard – attended meeting on Sunday for our armed forces who will be leaving for training before being sent overseas.

Adjournment

Pickard MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 8:25 pm.

Respectfully submitted - Lisa Groezinger, sec.



2012 AUG 31 AM 11 26
TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen Meeting Notice AGENDA



Date

Wednesday
September 5, 2012

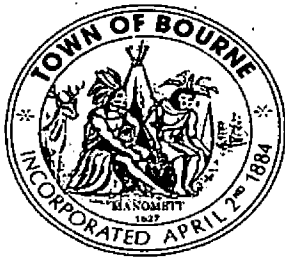
Time

6:45 p.m.

Location

Peebles Elementary School
70 Trowbridge Road
Bourne
1st Level Atrium

6:45-Joint meeting with School Committee to appoint new School Committee member



Board of Selectmen Meeting Notice AGENDA



NOTE THIS MEETING BEGINS AT 6:00

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday September 11, 2012	6:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

6:00 - Call meeting to order

Presentations by legal firms to assist Town Counsel in representing ISWM in contract negotiations. – 6:00 – 7:00

7:00 – 7:15 (Items 1-5)

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: 9.4.12
5. Correspondence

6. Note Signing

7. Licenses/Appointments:

- a. Transportation Advisory Committee – John York

8. Town Administrator's Report

- a. ARC meeting with Board of Selectmen
- b. Training Schedule
- c. Hoxie School – update/moving forward – Town Administrator's discussion with Attorney Troy

9. Selectmen's business:

- a. Eco toilets
- b. United Nations Day Proclamation

10. Adjourn

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TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of September 11, 2012
Bourne Community Building
Bourne, MA 02532

2012 OCT 18 AM 10 29

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin (excused)
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier
Guests: Phil Goddard, Dan Barrett of ISWM

List of documents

- None

Meeting called to order

6:00 pm by Chm. Ford

Presentations by legal firms to assist Town Counsel in representing ISWM in contract negotiations 6:00 pm – 7:00 pm

Atty. Bennet Heart from Noble & Wickersham, LLP

Brief summary of project in both environmental and land use projects and construction and land use law. Some of work in renewable energy realm (wind projects) with two large State agents which are similar to projects to the ISWM project. A portion of the required work would be with real estate transaction experience. He would jointly work with Atty. Rebecca Lee, with regard to the real estate transactional work, funding, lender benefits. He would focus on environmental issues. Atty. Heart held position in the Environmental Affairs for eight months.

TA Guerino explained the main focus of the interim development agreement is to protect town during the permitting process, and then ultimately the 25-year site lease.

Pickard – the firm the town is looking for is to specifically focus on draft leases and site responses which will be coordinated with Town Counsel.

Atty. Heart – is qualified for the environment piece in combination with Ms. Lee in the real estate transaction as well as the fiduciary issues (properly insured and if went bankrupt, had funding to remove facility to start over). Atty. Lee's rate is \$400/hour. Atty. Heart's fee is \$260/hour.

Meier – asked Atty. Heart what he learned from having clerked for Judge Black. Atty. Heart clerked for Judge Black for a year. During the day he sat through all trials at court and spent nights writing draft opinions.

Atty. Heart – he works mostly for Holy Oak, CT on renewable energy projects, permitting with Holy Oak Dam, mitigation requirements of parks (Historic, Wetlands, Army Corps. His firm works for Pittsfield on solar projects (lease arrangement). The hourly rate for himself and Atty. Lee is discounted for municipalities and non-profits.

Zuern – how much time to get the job or how long it would take you by looking at the development of documents or going through the permitting of projects. TA Guerino said it would be phased. The intent, if retaining counsel for the purpose of site assignment and interim agreement, the firm would take Bourne through the project, but a phased piece for assessment.

Mr. Barrett – sees the phases as to first look at the documents and work through, step into interim development agreement then negotiations with the lease. The timeframe will be known as the town goes through the process.

Mr. Heart has not worked with any landfill assignments, but has worked with DWP doing types of projects, is familiar with the process and understands the regulations.

TA Guerino – as negotiate, what does the firm do to protect the town's fiduciary position beyond bonding through ISWM; what are the other assurances while doing contract, and from work with DEP where are protections to the BOH and site assignment if there is an environmental failure in the end. This all falls back to the town and the BOH has a responsibility.

Atty. Heart – environmental: lease provisions (assurances and insurance type) for both ISWM and the BOH. The fiduciary issue he would defer to Atty. Lee as there are other mechanisms (deposits and would like to hear particular issues). He added that what the company can afford is also a factor.

Thomas Mackie from Mackie Shea O'Brien

Corporate experience and Environmental laws experience (hazardous waste laws). As far as protecting the town's financial status and protecting the Board of Health (BOH), there would be a host agreement between the Facility Operator and the town (both separate and as a part of the agreement with ISWM). He has negotiated host community agreements, representing landfill developers. He's had success in negotiating host agreements (transfer and solid waste landfills in variety of circumstances). Towns he's worked with include South Hadley, arrangement for putting funds aside for adequate closure and post closure for the town and DEP (typical mechanism). The issue is that there will be no one has operating experiences and

this will be where "the rubber hits the road". He has worked for Harvest Power and negotiated contracts, fuel supply contracts, and operating agreement. There is no conflict of interest from working with prior clients. Assurance provisions over environmental exposures (ammonia leak) are through obtaining insurance through AIG (cost prohibitive).

Atty. Mackie cannot help the town with bonding; however, the environmental liability policy is typical. He has submitted comments to the DEP with regard facility operations and site operations requirements. He's represented landfills with Interstate Waste Systems in Western MA. There was a project in Hadley with solar panels with the DEP for a financial assurance program. In greater New Bedford he has done some environmental work by negotiating a landfill gas contract. He has been involved a little on the 30B process and has drafted responses. In North Hampton he has negotiated settlements along with the first half of arbitration with a landfill gas energy plant over gas quality and revenues. He has worked with landfill contracts in St. Louis, Plainville.

With regard to municipalities, his firm has worked for more landfill site assignments in the State, and has handled multiple in the states. He's worked for Gloucester, Falmouth, Fairhaven DPW, City of Brockton, and City of Concord to look at public/private use of water supply program.

With regard to the scope of arrangement, although he hasn't seen the mark up of the document, he has negotiated before and estimates 20-40 hours of work for documents. His rate is \$400/hour and may be able negotiation. He has two associates who are \$250 - \$290/hour.

Some of Atty. Mackie's site assignments have been achieved, and some were an honorable withdrawal.

Meier - asked about the Sturbridge and the National Solid Waste Association and whether or not there was a right of appeal by the 10 citizen group. Atty. Mackie said the appellant prevailed.

Mark Kalpin from Wilmer Cutler Pickering Hale and Door LLP

Experience working in the energy and environment face since 1986 and is actively involved in the Commonwealth since 2000 in renewable energy section. Projects include wind, solar, bio mass, landfill, ethanol, renewable fuel in MA. As far a municipal work, MA Clean Energy Center in helping to work to get the community wind and solar projects (some on landfills and next to wastewater plants); a client representative in a Scituate wind project and solar; Dartmouth solar project on a closed landfill, solar on private property; City of New Bedford RFP for solar projects on city-owned property both on development and model purchase and site lease agreement; negotiated with a developer on a side agreement to make opportunities for both private commercial operation and residents in the city; Cohasset solar project on a school roof and solar on the town's former landfill. He has also worked with private companies in MA; the

largest in MA is up and running in Salisbury; working with a private company in Billerica (environmental issues) and the US Environmental Protection Agency. He has also worked on solar renewable energy certification program and net metering for facilities and is currently representing the Governor of the Commonwealth of Puerto Rico. He has landfills experience and has worked on gas energy projects in MA, ME (Casella – wind, transfer, site assignments and landfill operation agreements), NH, CA.

Atty. Kalpin has been able to bring associates and other partners as needed. For putting together, it is a package deal from the town's perspective which includes how it physically works and how the project is financed. The town needs to work with the lender's perspective, which is a different perspective. Atty. Kalpin knows how to work with these components together and how to operate (lease, development agreement, host agreement), understands the risks; all risks allocated across the board, is the most important.

Moving forward, in terms of protecting town there are two areas of risk: 1) is the project going to get constructed (upfront funding); and 2) renewable projects (escrow accounts). Not knowing the proforma (how much money to generate), you still have to make sure the project is successful. All communities he has worked with are mindful of this. Atty. Kalpin's rate is \$629/hour, which is discounted rate. His rate is higher, but has healthy experiences. The fee in line with what expected.

With regard to the permitting, Atty. Kalpin said before applications are being put in, think through how this project will work, what can go wrong and how fix. Know what site conditions are documented and accept documented conditions. If this information is not in the conditions or documented, the town is responsible.

In conclusion, Chm. Ford explained there will be some research and will come back with a decision in about two weeks.

Pickard MOVED and SECONDED by Meier, the board unanimously voted a four-minute recess. Meeting reconvened and Chm. Ford called meeting to order at 7:07 pm.

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

Moment of Silence/Salute the Flag

Public Comment

None requested.

Approval of minutes – regular: 9/4/12

Pickard MOVED and SECONDED by Ford to approve regular session minutes of 9/4/12 as submitted. VOTE 4-0 (under the Necessary Act, absent members can vote).

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Item B - TA Guerino forwarded Potential Hazard Mitigation Grant Applicants to DPW, DNR, Conservation and Pollution Task Force to come back.

Item D – Charter Compliance Committee request the Board of Selectmen appoint temporary legal counsel to the board, will address on 9/18/12.

Item G – TA reviewed all emails between Town Counsel and Special Town Counsel, TA 5/2/12 – 8/9/12 and determined all scheduling information per public records request.

Item H – Open meeting law violation, Pooling members of the Charter Compliance Committee for an attorney.

Chm. Ford – Training needed for all Chairmen in the open meeting law and record retention regulations. Tape recordings of meetings have to be kept for one year.

Note Signing

State House Note \$1.421M requires no vote as it is a temporary bond. Selectmen signed per Town Treasurer's request.

Licenses/Appointments

a. Transportation Advisory Committee – John York

Pickard MOVED and SECONDED by Meier to appoint John York to the Transportation Advisory Committee for a term to end 6/30/14. VOTE 5-0.

Town Administrator's report

a. ARC meeting with Board of Selectmen

Item will be before the board on the 10/2/12 meeting.

b. Training Schedule – TA Guerino

9/20/12 and 9/21/12 – Mass Managers' training in Amherst, MA

10/5/12 through 10/10/12 – ICMA National Conference in Arizona. Will be speaker on Transportation for Baby Boomers. Mandated by the Selectmen.

TA Guerino on Vacation until Tuesday 9/18/12.

c. Hoxie School – update/moving forward – TA's discussion with Attorney Troy

Selectmen's business

TA Guerino met with Atty. Troy. Moving forward, he will invite the Friends sit with himself and Town Counsel with the timeframe between now and the end of the fiscal year.

Selectmen's Business

a. Eco toilets

Eco-Toilet demonstration project and Town of Falmouth's \$5,000 grant and other Incentives on Thursday 9/13/12 from 7:00 pm – 9:00 pm at the Falmouth Public Library.

Zuern – attended workshop. Looking for some 60 volunteers Cape wide to retrofit bathrooms with eco-toilets. DEP will test nitrogen for a period of time. The first 10 who apply get \$5,000 incentive towards the toilets. Future workshops will be on Saturday 9/15 and 9/26 from 10:00 am – 12:00 pm. The system includes a large drum for larger projects (commercial) and composite comes out at the other end.

10/23/12 - shorter presentation presented to the board as part of the BOSC meeting. Zuern will confirm with TA's office.

Allyson Bizer-Knox – asked for a brief description of the eco-toilets (composting toilets). A container goes into the basement. The newer models have a handle to turn to clean. \$6,000 is the price of a cheaper model.

b. United Nations Day Proclamation

This comes before the board annually. The board voted the last two years.

Zuern – has a concern signing the Proclamation and will not vote in favor.

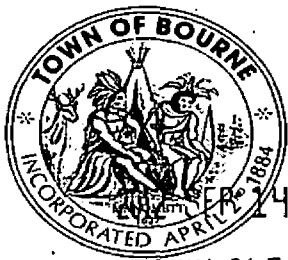
Pickard – feels it is a simple request.

Ford MOVED and SECONDED by Pickard to table and move Indefinite Postponement of the United Nations Day Proclamation. VOTE 5-0.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 7:34 pm.

Respectfully submitted - Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



TOWN CLERK'S OFFICE
BOURNE, MASS

SEP 18 2012 6:00 PM 12 40

Executive Session

1. Pending Litigation

- a. Police – (Sgt. Michelle Tonini)
- b. Fire – (Firefighter Julio Pomar)

2. Negotiations: Non-Union Personnel

- a. ISWM Special Counsel

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday September 18, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: 9.11.12

5. Correspondence

6. Charter –Town Counsel Robert S. Troy and Special Counsel Michael Ford

Discuss Attorney's findings on Charter Compliance Complaints. Inform public why Selectmen mentioned in the Charter Compliance Complaint did not participate in hearings. Address findings of Charter Compliance Committee, their preference to having wording changed in Town Administrators Contract and request for another Attorney.

7. Town Administrator's Report – Facilities manager update

8. Selectmen's business

9. Adjourn

Board of Selectmen
Minutes of September 18, 2012
Bourne Community Building
Bourne, MA 02532

2012 OCT 18 AM 10 29

TA-Guerino

TOWN CLERK'S OFFICE
BOURNE, MASS

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise

List of documents

Meeting called to order
6:00 pm by Chm. Ford

Pickard MOVED and SECONDED by Meier to move into Executive Session to discuss pending litigation for Police (Sgt. Michelle Tonini) and Fire (Firefighter Julio Pomar) and to convene in open session. Roll call – Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; and Ford – yes.

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

Moment of Silence/Salute the Flag

Public Comment
None requested.

Approval of minutes – regular: 9/11/12

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 9/11/12 as submitted. VOTE 4-0-1 (Baldwin abstained).

Correspondence

Baldwin read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Item C – letter for board signature tonight to be put in the file.

Charter – Town Counsel Robert S. Troy and Special Counsel Michael Ford

Discuss Attorney's findings on Charter Compliance Complaints. Inform public why Selectmen mentioned in the Charter Compliance Complaint did not participate in hearings. Address findings of Charter Compliance Committee, their preference to having wording changed in Town Administrator's Contract and request for another Attorney.

Atty. Ford – In early June 2012 was contacted by Town Counsel to provide independent counsel services to the Town of Bourne, the Compliance Committee and Selectmen relative to two complaints of violations. He provided independent opinion based on the law and facts with regard to the first complaint to the Charter Committee.

The first complaint was a 4/23/12 letter of Richard Conron and James Milatos (SPELLING) with regard to the Home Rule Charter. The second complaint was a 6/25/12 letter which dealt with questions involving the employment agreement of 3/12 with TA Guerino.

Conclusions

The first complaint stated there was a provision in the contract that superceded the Home Rule Charter. The language was not proper as you cannot supercede a Home Rule Charter. However, it seemed reading the contract in its entirety, Section 1 did not need to be superceded nor did Section 17 as it could be construed to be interpreted with the Town Charter. In conclusion, he put the town on notice for such superceding language as it is outside the authority of the town and conflicted with the Town Charter. He found no reason to amend the contract as it is still to be interpreted to be consistent with the Charter.

Atty. Ford met with Charter Compliance Committee to walk through the agreement in its entirety. No further action was needed with respect to the first complaint.

Discussion

Chm. Ford – contacted TA Guerino to do his contract over, and TA Guerino responded he did not want to do the contract over.

Zuern – if open contract, could look at other items as well and not to change one word. Atty. Ford said they would have to open the contract but only with TA Guerino's consent.

No comment from members of the public.

The second complaint, Atty. Ford was given direction from the board through Atty. Troy that the board and the committee request look and provide opinion. Difficult to get "his arms around" since facts evolved as participation in the matter involved. Facts in the 5/30/12 complaint from Mr. & Mrs. Conron with regard to actions of Selectmen Pickard – Section 3.3 violated Policy Rule.

Complaint dealt with three items:

1) Selectmen Pickard worked independently by obtaining copies of emails with regard to the hiring of COA Director

~~2) Selectmen Pickard conducted independent analysis~~

3) Selectmen Pickard published independent conclusion to the board as his opinion.

The violated language in Section 3.3 was read into record by Atty. Ford. Language is in Section 3.3 of the Policy Section related to policy role of the Board of Selectmen. This is 'curious' language that it was in this section (it is in the Powers and Duties section of Orleans). Atty. Ford read charter as a whole to figure out what the town and the voters meant when they adopted this specific language.

7/31/12 letter – Atty. Ford suggests one factual difference between his letter of information, with regard to analysis and published conclusion by Pickard. He read not to approve TA Guerino's appointment for COA Director. Activities took place after that vote. At the Charter Compliance Committee meeting discussed if this made a difference. It was decided that it would not change the ultimate conclusion of violation of Section 3.3 of the Charter. No member of the board has authority to take an action or to suggest it has the color of authority of the town. You need to get the authority of the rest of the board as an official act on behalf of the town. The gathering of emails is a right any citizen has and it didn't seem to Atty. Ford that once elected as a Board of Selectmen that they lose the right to ask for emails. Town Counsel authorized getting emails. Atty. Troy said he only confirmed that the emails were public records and seems it should be a right of being a member of a Board of Selectmen in carrying out their duties.

With regard to conducting independent analysis, Atty. Ford's feels that those who make the best decisions, make the analysis to come to a conclusion. In order to gain a consensus, you share the analysis.

With regard to analysis shared, Atty. Ford said this is the way a board works and that if you combine all three of the issues – independently, analysis and publishing conclusion - is labeled an "investigation". In doing all three, an investigation would have needed a vote from the board. Unlike Atty. Ford's first opinion, the Charter Compliance Committee didn't agree with this second opinion and indicated to the committee that with the facts, he couldn't conclude actions were in violation.

Discussion

Chm. Ford – the board didn't go to the hearings as it was a matter of law. The Charter Compliance Committee received a lot of assumptions. What was perceived as the initial

complaint was an email to Pickard and had nothing to do with the HR Director directly. The assumption about the HR Director is not warranted. The TA is the board's subordinate and when the board went into Executive Session to make a determination based on the obtained emails, the board voted 3-1 to support the chairman. Complaints had to do with the TA being told it was a blatant lie that all members of the selection committee knew that the COA Candidate had been fired, and Don Pickard went to the IT Department to obtain the emails. To go to the individual (TA Guerino) wouldn't have the same credibility. At the conclusion of the Executive Session, no action taken by the board, but did address that Estelle Blake Chair of the COA and Louis Carr the acting Director of the COA were not given information on the COA candidate. Town Administrator was addressing a different question that they should have known by the interview. Town Administrator did admitted mistake where made that were documented in an executive session.

Baldwin – won't disagree he had a right to get the emails. He feels Pickard should have gone to the board and request to do the search for employees as he didn't have the authority to do so. If any member of the board wants a copy of an email from any employee in Bourne, you go through the TA for a town employee. Baldwin sees it as an investigation on the TA. Atty. Ford disagrees and doesn't feel it was an investigation.

Chm. Ford – an investigation isn't getting public information; it is going to individuals to get information.

Pickard – on 5/1/12 the board vetoed the appointment of proposed COA Director appointment TA Guerino put forward. The finding of 8/12 said once the veto was done, the situation was over. The board received an email from V. Chm. Ford of allegations made by Lois Carr against TA were troubling and wanted to restore public confidence. This is when Ford made a request of Finance Director to obtain emails with regard to the candidate of the HR Director and TA Guerino. Having made request, had previous knowledge Ford had done so. At the time, Fin Director. Ms. Mazzelli wanted to check with Town Counsel before doing so. Ford requested three emails for disciplinary action based on the flawed hiring process. He saw the three emails where some members of the hiring committee had no idea the candidate was fired from her previous position. On 6/5/12 the board entered into Executive Session to hear complaints against TA Guerino with regard to the hiring process of the COA Director. A roll call vote was taken. At 6:35 pm, discussion with Atty. Troy took place, and no action was taken upon TA Guerino.

Baldwin – asked why in executive session Pickard didn't say Ford was the one who sent the email.

Pickard – he wanted to confer with Ford before discussing with Baldwin and the board.

Ford – he received an email where response from TA Guerino was a "blatant lie" and felt it had to be addressed. Estelle and Lois Carr were telling the truth. TA Guerino said should have known he was answering a different question. Ford also raised issue of possible sexual

harassment committed by TA Guerino and he asked for those emails of TA's. He went to the IT through Atty. Troy to obtain. In summary, TA Guerino was cleared of any sexual harassment.

Ford – The Compliance Committee did an excellent job. As a member of the board, it is his fiduciary duty to investigate. He agrees with Pickard and he would obtain public information again. TA Guerino agreed that the appointment of the COA Director, it was his first time he had given information to the board and the press at the same time. No disciplinary action was taken. Selectmen have done due process as it is owed to the public.

Atty. Ford – forwarded a copy of the letter dated 9/5/12 from the Charter Compliance Committee where they were reluctant to address Section 3.3. He assured the board made every attempt with respect to Section 3.3. The Charter Compliance Committee had a very difficult job to figure out the intent of the voters and what they meant and assured the board he did address, gave opinion and attempted to address issues related to Section 3.3.

Chm. Ford – agreed Atty. Ford addressed Section 3.3.

Zuern – called it homework.

Atty. Troy – publicly and personally thanked Atty. Ford for his time and the town owes its gratitude to him.

Chm. Ford – agrees. He asked for the public why Atty. Troy advised the Chm. and V. Chm. not to go to the Compliance Committee.

Atty Troy – the Charter Compliance Committee had not made any requests as they were looking for guidance as far as a legal issue. He feels out of respect to a separate independent committee, the board should not have interfered or influenced the investigation. If it was the case, he would have referred them to Atty. Ford.

Chm. Ford – thanked the Compliance Committee and thanked Atty. Ford.

Pickard – each time there was a Charter Compliance Committee meeting, he was notified in writing that they were having one, but notification never stated "request presence or comment"; if it did, he would have sought Atty. Ford's opinion.

Mr. Agrillo – made sure the Compliance Committee received recognition (Chm. Ford clarified to Mr. Agrillo he wasn't giving any praise to the complainant). He extends his thanks to the Compliance Committee as well as the Board of Selectmen.

Chm. Ford advised the public that Town Counsel is counsel to all members of boards and committees.

Atty. Troy – explained when any matter involving any entity within the town that implicates any actions of the board of selectmen, he needs to recuse himself and it is necessary to obtain Special Town Counsel.

Pickard – asked about the need of additional counsel. Ford thought there would be challenges. Atty. Ford requested a temporary Special Counsel as he was reluctant to address issues with regard to Section 3.3. He was trying to assure the board that he made every effort to address issues and apologizes if that is the feeling.

Pickard – the Chm. of the Charter Compliance Committee agreed with Atty. Ford on the first complaint and unanimously voted to adopt findings. The second option, the committee didn't get opinion they wanted and shopped for attorneys. He has stated his own opinion and appreciates Atty. Ford's work and feels no other reason to hire other counsel. Pickard requested to put on as a future agenda item so the Charter Compliance Committee can review beforehand.

Atty. Troy – if there are additional questions that have not been answered, in view of Atty. Ford's efforts, bring back to Atty. Ford. If keep hiring new counsel, the town will have to go back to square one and will not be cost effective for the town.

Ford – if the Charter Compliance Committee finds more questions, to go through Atty. Ford.

Town Administrator's report

Facility Manager update – 4 candidates and narrowed to one select individual whom he is meeting with tomorrow. He will ask the board to enter into Executive Session to enter into contract and also to appoint person with/without waiver of 15 days.

Auction date – 11/15/12 at the Bourne Veterann's Community Building at 11:00 am.

Selectmen's business

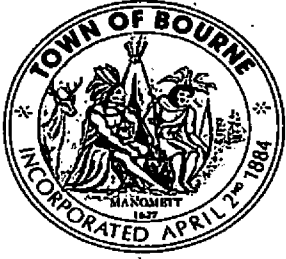
Zuern – attended ceremonies of 9/11.

Pickard – commented on the 9/11 Ceremony at the Sagamore Beach Fire Station.

Adjournment

Meier MOVED and SECONDED by Pickard to adjourn. Meeting adjourned at 8:11 pm.

Respectfully submitted - Lisa Groezinger, sec.



**Board of Selectmen
Meeting Notice
AGENDA**



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

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

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

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

NOTICE OF MEETING – Board of Selectmen

EXECUTIVE SESSION 5:45 P.M. Contracts and Personnel

DATE	TIME	LOCATION
Monday September 24, 2012	6:00	Bourne Veterans Memorial Community Center 239 Main Street – Buzzards Bay, MA 02532

2012 SEP 20 PM 4 25
TOWN CLERK'S OFFICE
BOURNE, MASS.

Note: If anyone is video or audio recording these proceedings, please acknowledge so at this time.

1. Approval and signing of Purchase and Sale Agreements on all Town Open Space Property Acquisitions; and
2. Approval and Signing of Conservation Restrictions on previously acquired parcels

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

6:30 – Enter into Joint Session with Finance Committee, Capital Outlay Committee, DPW Building Committee

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

NOTICE OF MEETING – Board of Selectmen

EXECUTIVE SESSION 5:45 P.M. ~~Contracts and Personnel~~ 2012 SEP 20 PM 11:18

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

DATE	TIME	LOCATION
Monday September 24, 2012	6:00	Bourne Veterans Memorial Community Center 239 Main Street – Buzzards Bay, MA 02532

Note: If anyone is video or audio recording these proceedings, please acknowledge so at this time.

1. Approval and signing of Purchase and Sale Agreements on all Town Open Space Property Acquisitions; and
2. Approval and Signing of Conservation Restrictions on previously acquired parcels

6:30 – Enter into Joint Session with Finance Committee, Capital Outlay Committee, DPW Building Committee

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

**Board of Selectmen
Minutes of September 24, 2012
Bourne Community Building
Bourne, MA 02532**

2012 OCT 25 AM 11 35

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin (excused)
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: Town Counsel Bob Troy; Town Clerk Barry Johnson; and Ms. Nancy Sundman acting as Notary, for execution of Restrictions and signing of Purchase and Sale Agreements.

List of documents

- Town of Bourne New Public Works Facility presentation dated 9/19/12 – 22 pages

Meeting called to order

6:05 pm by Chm. Ford

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

Approval and signing of Conservation Restrictions on

Before signing each document, Atty. Troy asked Selectmen to raise their hands as they were sworn into oath as acknowledged acting on their own free act and deed for each document before Ms. Nancy Sundman, acting as Notary.

Approval and signing of Purchase and Sale Agreements on all Interdepartmental Advisory Form

Under advisement from Town Counsel, Pickard recused himself from signing the Lyons property documents.

Before signing each document, Atty. Troy asked Selectmen to raise their hands as they were sworn into oath as acknowledged acting on their own free act and deed for each document before Ms. Nancy Sundman, acting as Notary.

6:30 pm – Enter into Joint Session with Finance Committee, Capital Outlay Committee, DPW Building Committee

Members of the Finance Committee (Bill Grant and Jeff Perry excused), the Capital Outlay and DPW Facility Building Committee present.

Introduction by Stanley Andrews, Chm. of DPW Building Committee.

John Redman – brief background of members of the DWP Building Committee. Established in 2011, had 22 meetings. 6 DPW facilities on and off Cape and develop best practices on the development. Bourne DPW is unique. DPW was built in 1967 and comprises of 20,000 SF now occupying 7,500 SF. Presentation is a team effort with other town departments to make proposal a reality and saving tax payers money.

Presentation by Public Works Committee – Jeff Alberti of Weston & Sampson

Purpose of the presentation is to show the project history, DPW was constructed in 1967, initial feasibility completed in 2008 with feasibility study updated 2012.

DPW for the community. One of the town's (4) emergency services, maintenance and repair of some of the town's most vital infrastructures, including being on-call 24 hours a day to handle unexpected problems and emergencies.

Does a lot more than most communities. Managing collection of solid waste and recyclables, maintaining all town vehicles, maintaining beaches and shore line.

New facility needed. In 1967, current facility was built. Town needs a public works facility as department responsibilities increased along with number of vehicles, and pieces of equipment.

Due to lack of space, staff is forced to work out of temporary trailers. Temporary facilities are not designed with public works and emergency response operations in mind. There are only 1 ½ vehicle maintenance bays for 4 mechanics to maintain entire town fleet, undersized vehicle maintenance support space, vehicle/equipment storage areas are inefficient for just non-existent.

Need trucks outside. Improve employee safety, public safety, provide efficient and cost effective operations, extend useful life of equipment, stormwater pollution control, noise & air pollution control.

Need vehicles and equipment inside. Employee safety, public safety, efficient & cost effective operations, protective of equipment, stormwater pollution control, noise & air.

Facility needs to be moved to a new site. Existing facility is located in Phase 6 of ISWM facility. Airspace has potential value of \$23M in total future revenue. By 2015, Bourne will begin

accepting contractual peak allotment of ash from the Covanta/SEMSS facility as a future revenue stream for the town.

Proposed:

Programming process. Interviewed DPW staff, compared interview data to industry standards, prepared programming sketches for each operating area.

Space needs assessment. Program includes consolidation of sewer operations, engineering and the new facilities maintenance operations. This includes administration, employee facilities, DPW operations and shops, vehicle & equipment storage, vehicle maintenance and wash bay.

Conceptual building and site alternatives were shown through pictures and drawings.

Project costs – Mr. Don Ahearn

Project cost summary:

- Building -\$5,253,370
- Industrial support equipment/fueling - \$730,000
- Site development costs - \$2,655,342
- Design contingencies - \$345,548

Subtotal Construction of \$8,984,260 (\$244/SF)

Soft Costs & Const. Contingencies - \$2,096,538

TOTAL COST \$11,080,798

How will town finance project.

- \$1M – savings for site work completed by DPW & ISWM
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- \$750,000 – Stabilization
- \$500,000 – Free Cash
- \$500,000 – Capital Reserve
- \$1M – ISWM financing
- Remaining cost as Debt Exclusion of \$6,330,798

Summary of Mandated costs – Mr. Alberti, Weston & Sampson

- Administrative costs (Chapter 149 Filed sub-bids, owner's project manager)
- Prevailing wage rates
- Industrial Equipment and Fueling Systems
- Site work/Environmental
- HVAC/Fire Protection/Electrical Systems

Why the town shouldn't wait.

- Ability to provide efficient services to the community will be impacted
- Lose out on future revenue at the ISWM operation
- Employee safety within this substandard building will continue to be a major concern
- Life expectancy of the multimillion dollar fleet will continue to be reduced at an accelerated rate
- DPW staff will continue to work out of substandard conditions
- Town will lose out on the chance to fund this project when borrowing costs and construction costs are at historic lows.

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Zuern – asked if the \$37.16 per household more than paying now or will it even off as debt goes down from other facilities. Ms. Marzelli said this will be added to the levy and will be on top of what people pay. This doesn't have the same impact as the Middle School.

Ford – this is a debt exclusion and will be outside the budget. The money the town would be saving will be used for keeping the buildings the town already has and for buying equipment. Ms. Marzelli said you want to keep debt at a service level.

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Ripley – interest rates in construction costs are at an all-time low and the time to take advantage is now. Financing is the major cost. Ms. Marzelli said 3% was used as today's rate variable.

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Mastrangelo – seemed unusual for a budget to be the same for a pre-fabricated building. If lower, how much lower would it go? Mr. Alberti said he doesn't anticipate it will; typically all savings are identified to reduce soft costs.

Member of the Capital Outlay Committee discussed analysis for costs of operation costs and asked if it will be likely higher as there is more square footage. Mr. Alberti said although operating costs are higher, cost per foot will be at a low cost. With respect to vehicle washing, it shows a separate building which includes manual labor system, minimally heated, higher ventilated rate for moisture. Why put in separate building? Mr. Alberti said there is more cost as it becomes corrosive environment (ventilate a smaller volume). Mr. Alberti further went on to say there is a separate wall for more flexibility.

Meier – is in favor of this project as some projects are in a higher range. He feels it is the board's job to sell this project to the public.

Pickard – raised issue with Weston & Sampson bidding on engineering functions. Mr. Alberti clarified it would be design only, not construction. Pickard is in favor of the project and wants to sell to the public. He would like to see public forums between now and town meeting.

Mr. Redman – as far as selling to the public, education is the next. ISWM can come in and assist with the project. He encourages any residents to look at the facility now. He hopes the board embraces the project; forums and brochures are planned.

Pickard – concurs with public outreach as time is limited.

TA Guerino – this committee has been putting together presentation for several months and has met their deadline and would like to personally thank them. Phase 6 and the future Covanta contract is a \$23M direct to the town. ISWM has brought into the town between \$14M - \$18M; \$41M into operations to this community. ISWM has paid for this facility several times over and will almost pay 60% of this project. Tremendous work has been done by ISWM and they have performed a financial obligation. ISWM is being more than fair. Moving forward, he asked and Mr. Alberti concurred, this is the most cost effective and energy efficient building.

Mastrangelo – if you compare the cost of what other towns have paid for and what they have received for it, Bourne is getting more for their money.

Zuern – commented on the pavement around the building, and the wear and tear. Mr. Alberti said the goal is to only pave areas where vehicles turn around and will try to reduce costs.

Zuern suggested an open house at the landfill inviting people to take a tour and to explain how it will affect the town.

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Mr. Paul Gately – asked when the article will be on the warrant for board review and signature. TA Guerino said he anticipates the board to sign the warrant on 10/9/12 and posted by 10/14/12.

M. Ford – FinCom will have to review articles and will wait for final warrant.

TA Guerino – boards/committees can give a consensus as to where they are.

M. Ford – the town needs a new facility. The town is in a fortunate position where ISWM can finance a portion, recognizing they are not a private enterprise and is incumbent upon the town. She is in favor of the project. FinCom will discuss at their 10/15/12 meeting and commented on being constrained by a holiday and not having a warrant at that time.

Mr. James Mulvey – asked if the funds can be brought back up if used for this project.

TA Guerino – the town has been building reserves for the past 7 years for the purpose to take capital expenses as they come forward. Worked hard through selectmen policies and the Finance departments to bring the numbers back up. By having \$500,000 and \$750,000, Free Cash will be fairly stable and should be in fair close proximity to current levels and not have to scramble to build up. The reserves will come up as the town does its current budgetary systems. It is important to stay judicious and conservative.

Pickard – with regard to ISWM responses to the 3 RFPs, they are going to negotiations shortly and it is possible to reduce some expenses through ISWM and generating land uses.

Mastragelo – Capital Outlay will meet this Thursday with the DPW Building Facilities Committee and will probably take their final vote.

DeCicco – is in support of the project and asked if there is any town-owned land to use. Mr. Redman said they have looked at some town-owned land (car dealerships), however it is a lot cheaper to use the property it has now.

TA Guerino – while the town currently has vacant commercial land, we don't want to take what little commercial land we have; keep economical developable land value.

No further board/committee comments. No further public comment.

Stanley Andrews – the next step would be to bring presentation forward to educate the public.

J. Ford – the town needs a forum to answer questions the public. Mr. Andrews said the committee would be in favor of holding several meetings.

Pickard – suggested using photographs of current vehicles and equipment, including working garage picture for the forums. He doesn't suggest using Weston & Sampson for educating. Mr. Redman said the DPW Building Committee can educate.

Mr. Ahearn – the Building Committee has discussed some ideas brought forth tonight, including educating on cable TV.

Gary Malone – asked if this project is still a top priority for the town. Pickard said a building study that was done for the town which identified buildings as priorities. The Selectmen and Capital Outlay Committee prioritized these buildings. Mr. Malone asked about conditions for employees now in the current building and asked about the dirt areas that won't be paved and what can we expect the noise levels to be. Also, if the new ISWM tipping fees are to be regarded, why not go after already authorized meal tax money (\$200,000/year).

Pickard – host community fee costs are what it costs to put a ton into the ground. Beyond that, the host fee goes toward post closure. The prior Selectmen board voted to not raise room/meal taxes for the business communities.

Mr. Redman – ISWM has prioritized their activities and are plenty of things to do to keep the landfill operational.

TA Guerino – with regard to the meals tax, he would like to keep Bourne on a little competitive edge as possible.

M. Ford – FinCom meets 10/15/12.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 8:12 pm.

Respectfully submitted - Lisa Groezinger, sec.

**Board of Selectmen
Minutes of September 24, 2012
Bourne Community Building
Bourne, MA 02532**

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin (excused)
Linda Zuern

2012 NOV 16 PM 10 25
TOWN CLERK'S OFFICE
BOURNE, MASS

Members of the Press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Guests: Town Counsel Bob Troy; Town Clerk Barry Johnson; and Ms. Nancy Sundman acting as Notary, for execution of Restrictions and signing of Purchase and Sale Agreements.

List of documents

- Town of Bourne New Public Works Facility presentation dated 9/19/12 – 22 pages

Meeting called to order
6:05 pm by Chm. Ford

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

Approval and signing of Conservation Restrictions on

Before signing each document, Atty. Troy asked Selectmen to raise their hands as they were sworn into oath as acknowledged acting on their own free act and deed for each document before Ms. Nancy Sundman, acting as Notary.

Approval and signing of Purchase and Sale Agreements on all Interdepartmental Advisory Form

Under advisement from Town Counsel, Pickard recused himself from signing the Lyons property documents.

Before signing each document, Atty. Troy asked Selectmen to raise their hands as they were sworn into oath as acknowledged acting on their own free act and deed for each document before Ms. Nancy Sundman, acting as Notary.

6:30 pm – Enter into Joint Session with Finance Committee, Capital Outlay Committee, DPW Building Committee

Members of the Finance Committee (Bill Grant and Jeff Perry excused), the Capital Outlay and DPW Facility Building Committee present.

Introduction by Stanley Andrews, Chm. of DPW Building Committee.

John Redman – brief background of members of the DWP Building Committee. Established in 2011, had 22 meetings. 6 DPW facilities on and off Cape and develop best practices on the development. Bourne DPW is unique. DPW was built in 1967 and comprises of 20,000 SF now occupying 7,500 SF. Presentation is a team effort with other town departments to make proposal a reality and saving tax payers money.

Presentation by Public Works Committee – Jeff Alberti of Weston & Sampson

Purpose of the presentation is to show the project history, DPW was constructed in 1967, initial feasibility completed in 2008 with feasibility study updated 2012.

DPW for the community. One of the town's (4) emergency services, maintenance and repair of some of the town's most vital infrastructures, including being on-call 24 hours a day to handle unexpected problems and emergencies.

Does a lot more than most communities. Managing collection of solid waste and recyclables, maintaining all town vehicles, maintaining beaches and shore line.

New facility needed. In 1967, current facility was built. Town needs a public works facility as department responsibilities increased along with number of vehicles, and pieces of equipment.

Due to lack of space, staff is forced to work out of temporary trailers. Temporary facilities are not designed with public works and emergency response operations in mind. There are only 1 ½ vehicle maintenance bays for 4 mechanics to maintain entire town fleet, undersized vehicle maintenance support space, vehicle/equipment storage areas are inefficient for just non-existent.

Need trucks outside. Improve employee safety, public safety, provide efficient and cost effective operations, extend useful life of equipment, stormwater pollution control, noise & air pollution control.

Need vehicles and equipment inside. Employee safety, public safety, efficient & cost effective operations, protective of equipment, stormwater pollution control, noise & air.

Facility needs to be moved to a new site. Existing facility is located in Phase 6 of ISWM facility. Airspace has potential value of \$23M in total future revenue. By 2015, Bourne will begin

accepting contractual peak allotment of ash from the Covanta/SEMASS facility as a future revenue stream for the town.

Proposed:

Programming process. Interviewed DPW staff, compared interview data to industry standards, prepared programming sketches for each operating area.

Space needs assessment. Program includes consolidation of sewer operations, engineering and the new facilities maintenance operations. This includes administration, employee facilities, DPW operations and shops, vehicle & equipment storage, vehicle maintenance and wash bay.

Conceptual building and site alternatives were shown through pictures and drawings.

Project costs – Mr. Don Ahearn

Project cost summary:

- Building - \$5,253,370
- Industrial support equipment/fueling - \$730,000
- Site development costs - \$2,655,342
- Design contingencies - \$345,548

Subtotal Construction of \$8,984,260 (\$244/SF)

Soft Costs & Const. Contingencies - \$2,096,538

TOTAL COST \$11,080,798

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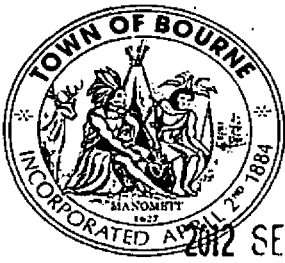
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M. Ford – FinCom meets 10/15/12.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 8:12 pm.

Respectfully submitted - Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



2012 SEP 28 PM 1 25 p.m. Executive Session
To discuss the strategy for the sale and auction of Town
owned property

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday October 2, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center, 239 Main Street, Buzzards Bay

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: September 18, 2012
5. Correspondence
6. Affordable Housing – Jean Stanley (confirmed 9/12/12)
7. Bill Clarke from Barnstable County Extension to discuss ARC
8. Conservation Restriction – 85 Monument Neck Road
9. Further discussion regarding Federal grant for Fire personnel
10. Licenses/Appointments:
 - a. Chartwells – [2] One Day Liquor – MMA Homecoming
11. Town Administrator's Report
 - a. Special town meeting – budget amendment piece
 - b. Acceptance of a whale
 - c. Facilities Manager appointment
12. Selectmen's business
 - a. Review warrant articles
 - b. DPW facility discussion
 - c. Board to vote publically on Counsel for ISWM
 - d. Designation of Special Municipal Employees – Charter Compliance Committee

13. Adjourn

Board of Selectmen
Minutes of October 2, 2012
Bourne Community Building
Bourne, MA 02532

2012 OCT 18 AM 10 29

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise

List of documents

Meeting called to order
6:00 pm by Chm. Ford

Pickard MOVED and SECONDED by Meier to move into Executive Session to discuss the strategy for the sale and auction of Town owned property and to reconvene into open session. Roll call: Pickard – yes; Baldwin – yes; and Ford – yes.

Selectmen Meier and Zuern were present to go into regular session

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

Moment of Silence/Salute the Flag

Public Comment

Paul Zekas, Municipal Auction, President, said although no date is set currently, strategies will begin in the middle of November. The public auction will be conducted at the Community Building. There will be an open house to discuss details. For further information, please call (508) 842-9000. A live website will begin later this month to view all properties.

Approval of minutes – regular: 9/18/12

Pickard MOVED and SECONDED by Baldwin to approve regular session minutes of 9/18/12 as submitted. VOTE 5-0.

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

TA Guerino to send letters on the board's behalf recognizing services for resignation letters (Kathy Burgess, Hal DeWaltoff, Michael Brady and Judith Riordan and Jim Sullivan).

Chm. Ford – reminded the public that anything involving the Doherty case is in litigation. Atty. Garth Gartis will be coming in before the board on 10/23/12.

TA Guerino – recognized Kathy Burgess' 39 years of service and Hal DeWaltoff's work on the Finance Committee. Both will be missed.

Item N – with regarding to Representative Viera. Letter was sent from Therese Murray's office to MEMA on behalf of Bourne relative to Entergy's nuclear facility in Plymouth. Senator Kerry's office is reaching out and offered Congressional liaison on the town's behalf.

Item V – correspondence was sent to DOT. This matter has been going on for a few years and TA Guerino will follow up for action.

Affordable Housing – Jean Stanley Update on Housing Rehab Program

The Town of Bourne received a Mass. Community Development Fund grant to provide 0% interest, forgivable, deferred payment loans to income eligible homeowners and investor owned year-round rental properties, for critical code related home repairs. These funds will be distributed on a lottery basis for owner occupied single-family/multi-family and investor owned units in the Buzzards Bay target areas. At least 51% of the units in the rental structure most occupied by low and moderate income households.

The program offers help with plumbing, heating, roof, insulation, hot water, septic, doors & windows, flooring, foundation, structural repairs, ceilings and electrical. By mid-January, Bourne will be closing on its 14th property. By 11/1/12, Bourne will have spent down 80% of the allotment of \$421,000. Bourne has the opportunity to apply for another grant at the next cycle. A lot of repairs have been done to bring up property values, secured by a lien for 15 years.

Ms. Stanley briefly reviewed pictures of one home which required a full abatement due to amount of lead on the property.

Coreen Moore - this program is sought after and is popular. This is an opportunity to make a difference for the town. Any homeowner interested can call the Bourne Housing Program.

Meier – mentioned Continental Apartments and helping with the railing, decking, electric and sprinkler systems. This grant has helped in many ways.

Coreen Moore – the 80% spent is an important requirement as the town wants to apply for the grant again. This time the town will go for 10 rehab houses, adding store front sign improvement for the downtown program as a second activity. The third activity may be Continental Apartments for the railing or Council on Aging which is due in by 11/14/12. She discussed looking to expand to possibly the Sagamore and Monument Beach areas, but will have to explore. We will be continuing the area of Buzzards Bay. With this program, Bourne is fulfilling its goals within the LCP and ties into the Downtown revitalization.

Bill Clarke from Barnstable County Extension to discuss ARC

The county is seeking to purchase property (\$4M) currently used for shellfish propagation. The proposal includes a surcharge on local commercial and residential shellfish permits to cover the cost. This is also a proposal for wind turbine at the site (Dennis).

Mr. Clarke and Mr. Dick Kraus are going to every town in the county to try to get Cape wide support. Brief slide presentation given on project. Bourne didn't participate this year in the oysters but did with the quahogs. A \$100,000 State budget was cut down to \$39,000 for oyster seeds.

ARC supplies all of Barnstable County towns and 90% of local/regional shellfish farmers with oyster and quahog seed. All commercial and recreational shell fishermen depend on ARC for shellfish propagation. ARC is the only commercial shellfish hatchery in MA to supply the seed size.

Fees would include: \$10/fee for recreation license generating \$161,290/year; and a \$50/fee for commercial license generating \$72,900/year. Average income from user fees is \$23,190/year. \$3.2M will be borrowed at 4% interest - \$232,696.44/year - high end numbers. Numbers would come down if get the funding and is based on all 15 towns participating.

Pickard - \$60M enterprise needs to be subsidized by the county. \$60M wouldn't exist if didn't have hatchery. He asked Mr. Clarke if the county would take over the property and if jobs become county employees. Mr. Clarke said with the intent to purchase, the county would own and put a lien on property. It would remain as open space and the county would lease to run the operation. The plan is to lease now back to current owners and have them run the business. Employees would not become county employees. Pickard believes the government shouldn't be involved in a "farming" business. The interest is to protect this property.

Meier – asked about the pending lawsuit with regard to the turbines. Mr. Clarke said it is going to court in January, 2013. Meier also asked if this property self eroding. Mr. Kraus said Dennis did two studies. The town looked at the erosion issue and a cost benefit analysis was done for

dredging and rebuilding dunes. Meier asked about the \$10 vs. \$50 fees suggested and if it would be similar to debt exclusion. Mr. Kraus said it would be a 20 year term and once paid off, it is done. If other sources of funding are obtained, you reduce the term and/or amount.

Pickard – asked Mr. Clarke how many towns has he approached and what is the consensus. Mr. Clarke said Bourne is the 9th community. Chatham Shellfish Advisory approved and recommended the Selectmen – the same for Wellfleet; Brewster both Shellfish Advisory and Selectmen approved; Orleans Shellfish Advisory requested a month to reconsider and vote at their next meeting – seemed as if they are in opposition; Barnstable's Shellfish Advisory considering at their next meeting; Falmouth Shellfish Advisory seemed positive and are going to the Selectmen; Dennis Shellfish Advisory approved and are going before the Selectmen; Yarmouth Shellfish Advisory is going before the Selectmen; Harwich and Truro – will be on a future Shellfish Advisory agenda; Sandwich – haven't heard from.

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Pickard and Zuern – allow the Fire Chief for the number of firefighters as it is his department and his grant.

Mr. Mulvey – is in favor of the hiring of 8 firefighters.

Chief Greene – will do his own in-house training and would be complete in 4-6 weeks. The new hires will go to the academy after the 2-years if kept on.

Meier MOVED and SECONDED by Zuern to support the Fire Chief's application to apply for grant to hire 8 firefighters in the Town of Bourne. VOTE 3-2 (Ford, Baldwin). Ford explained his reasoning for vote.

Pickard – suggested a re-vote if any one voted against to reconsider. The vote was taken no re-vote.

Baldwin – afraid the department will be dissipated; he doesn't see the economy getting better.

Licenses/Appointments

a. Chartwells – (2) One Day Liquor – MMA Homecoming

Pickard MOVED and SECONDED by Meier to approve MMA's request at 101 Academy Drive Buzzards Bay for two licenses: 10/13/12 from 11:00 am – 6:00 pm at Tennis courts for one day wine and malt; and also on 10/13/12 from 4:00 pm – 10:00 pm at Fantail Dining Room, Baystate Conference room and patio one day wine and malt, per routing slip. VOTE 5-0.

Town Administrator's report

a. Special Town Meeting – budgeted amendment

Review Town Meeting draft Warrant and provided the board with estimates on the costs for the Town Meeting. All articles are sponsored as provided by the Charter, run through.

TA Guerino is meeting with Atty. Bob Troy tomorrow for his and the Town Moderator's augmentations. Final form will be available for the board's signature on 10/9/12.

ESTIMATED Money for Town Meeting - subject to minor adjustments until the 22nd.

Insurances (General Liability/Workers comp – not health) - \$320,000

Transfer admin assist money from Fire to HR - neutral

Money for ISWM working group:

- a. Travel - \$450
- b. Contracted services – \$2,500
- c. Secretarial money for Landfill working group - \$600

Money to Selectmen - other contracted services for 2014 Canal Celebration – Ford will have estimates

DNR Fuel - Marina sales - \$65,000

Monies back to Reserve Fund from CATV – neutral cost

Secretarial money for BVMCC Trustees - \$600

Collector clerk move - contractor, furniture, etc. - \$37,440

6800 Finance Department
8600 Clerk furniture

600 copy machine
2500 sundry
5540 clerk architect
8000 carpentry
1000 electrician

OPEB – \$10,000

For IT purchase of goods and materials – was to be part of capital. COC determined that this is annual replacement of hardware and software/ server maintenance and supports expenditure as it was not in annual budget. \$28,500

Back to EMD – R911 – \$3,500

Back to Fire for Reverse 911 - \$3,500

TOTAL \$477,390

Other items include:

Budget for Facilities manager as provided –

Also note that the petitioned article to purchase the Historic home at 9 Sandwich Road would be from Free Cash or Stabilization. Also note a question as to the town use for municipal and historical purposes is who is going to maintain the building, if a NFP is planning to the Town is probably bound by procurement laws similar to those with Hoxie and Coady (as the town will own the Sandwich Road property). Additionally, does the “for historical purposes” hinder the Town’s future use of the property? This needs much more research.

TA Guerino thanked the Clerk and Finance Director; he is moving forward and expects to have completed by 10/19/12.

Brief review of articles on the Warrant:

Article 1 – Electrical service upgrade for the DPW. Meier – big cost for a simple move and wondered if this is something the town can look at using a long term p/t tradesman. TA Guerino said yes and is one of the things for the FM to come up with over the next several months.

Article 2 - Supplement to augment and reduce to the budget for the year; \$320,000 liability insurance - agent brought down from \$345,000.

Article 3 – Transfer of sums for unpaid bills

Article 4 – CPC recommendation to transfer within the CPC balance sheet

Article 5 – reimburse reserve fund for costs of the Cable TV contract paid by the town.

Article 6 – funding Capital Improvements and Capital Projects.

Article 7 – funding the Town’s OPEB liability

Article 8 – purchase of parcels of land (9 Sandwich Road)

Article 9 – Section 3.7.6 Water Resource District Enforcement of the Town’s bylaws by deleting the word “members” in the first sentence and changing fine from “not less than \$50.00 nor more than \$300.00 for each offense” to “\$300 for each offense”.

Article 10 – amend Town Bylaws by deleting Article 3.6 Use of Waterways in its entirety.

Article 11 – amend Section 3.6.2 Use of Waterways Designated Waterskiing Areas.

Article 12 – amend Section 3.6.2 Use of Waterways Enforcement and Penalties.

Article 13 – transfer of land.

Article 14 – further study wastewater collection.

Article 15 – convey 1999 Ford Ecovan previously owned by Comcast to Bourne Community TV, Inc.

Article 16 - DPW facility total cost is \$11.08M; funds by ISWM and DPW bringing net borrowing to \$6.33M or 12 cents on FY12 tax rate or \$37.16 on \$300,000 home.

Stanley Andrews – discussed public relations information.

Article 17 – transfer and convey properties in the best interest of the town.

Article 18 - funding cable access and allowing for capital allocated to the local access company. Simple letter to Comcast to initiate checks to the television company is all that is necessary. Vote has to do with capital.

Article 19 - windows at the Historic Archives Center need to be replaced. This will be before FinCom. \$125,000. Meier – commented on being specific on what materials are going in there. TA Guerino approved construction and design.

b. Acceptance of a whale

The Wagners would like to donate one whale back to the town at the next meeting the board sign a letter. Go up and get and hoping to display on the park or on the town side of lake. Tentatively have a place and will take in during the winter.

c. Facilities Manager appointment

TA Guerino notified the public of the appointment of Jonathan Nelson of 2 Crow's Nest Drive in Buzzards Bay. Mr. Nelson comes to this position with great enthusiasm and believes he will be able to provide with knowledge of what is needed to run the department, do assessments and project management. TA Guerino is asking the board for a waiver of the 14 days.

Meier MOVED and SECONDED by Pickard to approve TA Guerino's recommendation of removing the waiver of 14 days. VOTE 5-0.

TA Guerino – Mr. Nelson will begin on 11/5/12 and will formally meet the board prior to his hiring date.

Selectmen's Business

a. Review warrant article

Completed.

b. DPW facility discussion

Discussed.

c. Board to vote publically on Counsel for ISWM

Ford – Atty. Mark Kalpin was the unanimous choice of the board to provide Special Counsel for Bourne. Atty. Kalpin has accepted and has agreed to reduce his salary to \$600/hour - this will be discussed with the Finance Department.

Pickard MOVED and SECONDED by Meier to approve Atty. Mark Kalpin of Wilmer & Hale as ISWM Special Counsel. VOTE 5-0.

d. Designation of Special Municipal Employees – Charter Compliance Committee

Meier MOVED and SECONDED by Pickard to add "members of the charter compliance committee" to the selectmen's blanket vote granting special municipal employee status under the conflict of interest law.

Zuern – the Cape Cod Commission sponsoring a meeting – go to wateralliance.org to sign up. She attended a BFDC meeting.

Meier – will not be at the Selectmen’s meeting of 10/23/12 – this is also a BOSC meeting night. He mentioned FinCom’s Glenn Galusha thanked the board for recognition of the passing of his wife.

Baldwin – spoke about Current Events and mentioned doing a blog in which he will look into.

Ford – attended the BFDC meeting, met with TA Guerino during the week to discuss the centennial meeting at the Beachmoor – an events planner is coming on-line and will be a good program for the town.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:50 pm.

Respectfully submitted - Lisa Groezinger, sec.

4

Board of Selectmen
Executive Minutes of October 2, 2012
Bourne Town Hall – Bourne Veterans Memorial Community Building
Bourne, MA 02532

2019 JUN 25 PM 8 20
TOWN CLERK'S OFFICE
BOURNE, MASS

John Ford, Chairman
Donald Pickard, Vice Chairman
Earl Baldwin
Peter Meier (arrived at 6:26 P.M.)
Linda Zuern (arrived at 6:28 P.M.)

At 6:03 P.M. , during public session, Mr. Pickard Made a motion to enter into executive session to discuss strategies for the sale and auction of Town owned property and to reconvene in public session. Mr Baldwin seconded the motion and a roll call vote was taken by the Chairman.

Mr. Pickard, YES – Mr. Baldwin, YES – Mr. Ford, YES

Also in attendance;

TA Guerino
Nancy Sundman
Paul Zeccos, Auctioneer

The Selectmen discussed the home up for town auction located on Bird Song Hill Road. A background of the property was provided and it was noted that Nancy had been working with Attorney Capolla and with Attorney Troy. If auctioned, a memorandum of sale would be issued by Attorney Capolla.

Mr. Zeccos discussed the absolute auction process and discussed with the Board why this, in his opinion is the best way to go. He further outlined the timing, legal advertisement and fees associated with conducting an auction.

The Board agreed that there would be two sessions. One for the more premium properties would have a larger minimum starting price and one for the lessor properties with a smaller starting point.

Advertisement would be through the CCT, Standard Times and Enterprise Newspapers. The Town will allow a link to ZECCOS group from the Town web site.

Administrator Guerino thanked Nancy for taking the lead on this and bringing toward a conclusion.

A motion to adjourn the executive session and reconvene in open session was made by Mr. Meier. Ms. Zuern Seconded the motion. The Chair conducted a roll call vote as depicted below.

Ms. Zuern, YES – Mr. Pickard, YES – Mr. Meier, YES – Mr. Ford, YES – Mr. Baldwin YES.

Meeting adjourned at 7:12.P.M.

Respectfully,

Thomas M. Guerino

Board of Selectmen
Minutes of October 2, 2012
Bourne Community Building
Bourne, MA 02532

2012 DEC 5 AM 11 46

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise

List of documents

Meeting called to order
6:00 pm by Chm. Ford

Pickard MOVED and SECONDED by Meier to move into Executive Session to discuss the strategy for the sale and auction of Town owned property and to reconvene into open session. Roll call: Pickard – yes; Baldwin – yes; and Ford – yes.

Selectmen Meier and Zuern were present to go into regular session

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

Moment of Silence/Salute the Flag

Public Comment

Paul Zekas, Municipal Auction, President, said although no date is set currently, strategies will begin in the middle of November. The public auction will be conducted at the Community Building. There will be an open house to discuss details. For further information, please call (508) 842-9000. A live website will begin later this month to view all properties.

Approval of minutes – regular: 9/18/12

Pickard MOVED and SECONDED by Baldwin to approve regular session minutes of 9/18/12 as submitted. VOTE 5-0.

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

TA Guerino to send letters on the board's behalf recognizing services for resignation letters (Kathy Burgess, Hal DeWaltoff, Michael Brady and Judith Riordan and Jim Sullivan).

Chm. Ford – reminded the public that anything involving the Doherty case is in litigation. Atty. Garth Gartis will be coming in before the board on 10/23/12.

TA Guerino – recognized Kathy Burgess' 39 years of service and Hal DeWaltoff's work on the Finance Committee. Both will be missed.

Item N – with regarding to Representative Viera. Letter was sent from Therese Murray's office to MEMA on behalf of Bourne relative to Entergy's nuclear facility in Plymouth. Senator Kerry's office is reaching out and offered Congressional liaison on the town's behalf.

Item V – correspondence was sent to DOT. This matter has been going on for a few years and TA Guerino will follow up for action.

Affordable Housing – Jean Stanley

Update on Housing Rehab Program

The Town of Bourne received a Mass. Community Development Fund grant to provide 0% interest, forgivable, deferred payment loans to income eligible homeowners and investor owned year-round rental properties, for critical code related home repairs. These funds will be distributed on a lottery basis for owner occupied single-family/multi-family and investor owned units in the Buzzards Bay target areas. At least 51% of the units in the rental structure most occupied by low and moderate income households:

The program offers help with plumbing, heating, roof, insulation, hot water, septic, doors & windows, flooring, foundation, structural repairs, ceilings and electrical. By mid-January, Bourne will be closing on its 14th property. By 11/1/12, Bourne will have spent down 80% of the allotment of \$421,000. Bourne has the opportunity to apply for another grant at the next cycle. A lot of repairs have been done to bring up property values, secured by a lien for 15 years.

Ms. Stanley briefly reviewed pictures of one home which required a full abatement due to amount of lead on the property.

Coreen Moore - this program is sought after and is popular. This is an opportunity to make a difference for the town. Any homeowner interested can call the Bourne Housing Program.

Meier – mentioned Continental Apartments and helping with the railing, decking, electric and sprinkler systems. This grant has helped in many ways.

Coreen Moore – the 80% spent is an important requirement as the town wants to apply for the grant again. This time the town will go for 10 rehab houses, adding store front sign improvement for the downtown program as a second activity. The third activity may be Continental Apartments for the railing or Council on Aging which is due in by 11/14/12. She discussed looking to expand to possibly the Sagamore and Monument Beach areas, but will have to explore. We will be continuing the area of Buzzards Bay. With this program, Bourne is fulfilling its goals within the LCP and ties into the Downtown revitalization.

Bill Clarke from Barnstable County Extension to discuss ARC

The county is seeking to purchase property (\$4M) currently used for shellfish propagation. The proposal includes a surcharge on local commercial and residential shellfish permits to cover the cost. This is also a proposal for wind turbine at the site (Dennis).

Mr. Clarke and Mr. Dick Kraus are going to every town in the county to try to get Cape wide support. Brief slide presentation given on project. Bourne didn't participate this year in the oysters but did with the quahogs. A \$100,000 State budget was cut down to \$39,000 for oyster seeds.

ARC supplies all of Barnstable County towns and 90% of local/regional shellfish farmers with oyster and quahog seed. All commercial and recreational shell fishermen depend on ARC for shellfish propagation. ARC is the only commercial shellfish hatchery in MA to supply the seed size.

Fees would include: \$10/fee for recreation license generating \$161,290/year; and a \$50/fee for commercial license generating \$72,900/year. Average income from user fees is \$23,190/year. \$3.2M will be borrowed at 4% interest - \$232,696.44/year - high end numbers. Numbers would come down if get the funding and is based on all 15 towns participating.

Pickard - \$60M enterprise needs to be subsidized by the county. \$60M wouldn't exist if didn't have hatchery. He asked Mr. Clarke if the county would take over the property and if jobs become county employees. Mr. Clarke said with the intent to purchase, the county would own and put a lien on property. It would remain as open space and the county would lease to run the operation. The plan is to lease now back to current owners and have them run the business. Employees would not become county employees. Pickard believes the government shouldn't be involved in a "farming" business. The interest is to protect this property.

Meier – asked about the pending lawsuit with regard to the turbines. Mr. Clarke said it is going to court in January, 2013. Meier also asked if this property self eroding. Mr. Kraus said Dennis did two studies. The town looked at the erosion issue and a cost benefit analysis was done for dredging and rebuilding dunes. Meier asked about the \$10 vs. \$50 fees suggested and if it

would be similar to debt exclusion. Mr. Kraus said it would be a 20 year term and once paid off, it is done. If other sources of funding are obtained, you reduce the term and/or amount.

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Ford – feels 4 firefighters is a good number. Gives one on each shift at one station. Chief Greene – he would like the 8 firefighters.

Pickard and Zuern – allow the Fire Chief for the number of firefighters as it is his department and his grant.

Mr. Mulvey – is in favor of the hiring of 8 firefighters.

Chief Greene – will do his own in-house training and would be complete in 4-6 weeks. The new hires will go to the academy after the 2-years if kept on.

Meier MOVED and SECONDED by Zuern to support the Fire Chief's application to apply for grant to hire 8 firefighters in the Town of Bourne. VOTE 3-2 (Ford, Baldwin). Ford explained his reasoning for vote.

Pickard – suggested a re-vote if any one voted against to reconsider. The vote was taken no re-vote.

Baldwin – afraid the department will be dissipated; he doesn't see the economy getting better.

Licenses/Appointments

a. Chartwells – (2) One Day Liquor – MMA Homecoming

Pickard MOVED and SECONDED by Meier to approve MMA's request at 101 Academy Drive Buzzards Bay for two licenses: 10/13/12 from 11:00 am – 6:00 pm at Tennis courts for one day wine and malt; and also on 10/13/12 from 4:00 pm – 10:00 pm at Fantail Dining Room, Baystate Conference room and patio one day wine and malt, per routing slip. VOTE 5-0.

Town Administrator's report

a. Special Town Meeting – budgeted amended piece

Review Town Meeting draft Warrant and provided the board with estimates on the costs for the Town Meeting. All articles are sponsored as provided by the Charter, run through.

TA Guerino is meeting with Atty. Bob Troy tomorrow for his and the Town Moderator's augmentations. Final form will be available for the board's signature on 10/9/12.

ESTIMATED Money for Town Meeting - subject to minor adjustments until the 22nd.

Insurances (General Liability/Workers comp – not health) - \$320,000

Transfer admin assist money from Fire to HR - neutral

Money for ISWM working group:

- a. Travel - \$450
- b. Contracted services – \$2,500
- c. Secretarial money for Landfill working group - \$600

Money to Selectmen - other contracted services for 2014 Canal Celebration – Ford will have estimates

DNR Fuel - Marina sales - \$65,000

Monies back to Reserve Fund from CATV – neutral cost

Secretarial money for BVMCC Trustees - \$600

Collector clerk move - contractor, furniture, etc. - \$37,440

6800 Finance Department
8600 Clerk furniture

600 copy machine
2500 sundry
5540 clerk architect
8000 carpentry
1000 electrician

OPEB – \$10,000

For IT purchase of goods and materials – was to be part of capital. COC determined that this is annual replacement of hardware and software/ server maintenance and supports expenditure as it was not in annual budget. \$28,500

Back to EMD – R911 – \$3,500

Back to Fire for Reverse 911 - \$3,500

TOTAL \$477,390

Other items include:

Budget for Facilities manager as provided –

Also note that the petitioned article to purchase the Historic home at 9 Sandwich Road would be from Free Cash or Stabilization. Also note a question as to the town use for municipal and historical purposes is who is going to maintain the building, if a NFP is planning to the Town is probably bound by procurement laws similar to those with Hoxie and Coady (as the town will own the Sandwich Road property). Additionally, does the “for historical purposes” hinder the Town’s future use of the property? This needs much more research.

TA Guerino thanked the Clerk and Finance Director; he is moving forward and expects to have completed by 10/19/12.

Brief review of articles on the Warrant:

Article 1 – Electrical service upgrade for the DPW. Meier – big cost for a simple move and wondered if this is something the town can look at using a long term p/t tradesman. TA Guerino said yes and is one of the things for the FM to come up with over the next several months.

Article 2 - Supplement to augment and reduce to the budget for the year; \$320,000 liability insurance - agent brought down from \$345,000.

Article 3 – Transfer of sums for unpaid bills

Article 4 – CPC recommendation to transfer within the CPC balance sheet

Article 5 – reimburse reserve fund for costs of the Cable TV contract paid by the town.

Article 6 – funding Capital Improvements and Capital Projects.

Article 7 – funding the Town's OPEB liability

Article 8 – purchase of parcels of land (9 Sandwich Road)

Article 9 – Section 3.7.6 Water Resource District Enforcement of the Town's bylaws by deleting the word "members" in the first sentence and changing fine from "not less than \$50.00 nor more than \$300.00 for each offense" to "\$300 for each offense".

Article 10 – amend Town Bylaws by deleting Article 3.6 Use of Waterways in its entirety.

Article 11 – amend Section 3.6.2 Use of Waterways Designated Waterskiing Areas.

Article 12 – amend Section 3.6.2 Use of Waterways Enforcement and Penalties.

Article 13 – transfer of land.

Article 14 – further study wastewater collection.

Article 15 – convey 1999 Ford Ecovan previously owned by Comcast to Bourne Community TV, Inc.

Article 16 - DPW facility total cost is \$11.08M; funds by ISWM and DPW bringing net borrowing to \$6.33M or 12 cents on FY12 tax rate or \$37.16 on \$300,000 home.

Stanley Andrews – discussed public relations information.

Article 17 – transfer and convey properties in the best interest of the town.

Article 18 - funding cable access and allowing for capital allocated to the local access company. Simple letter to Comcast to initiate checks to the television company is all that is necessary. Vote has to do with capital.

Article 19 - windows at the Historic Archives Center need to be replaced. This will be before FinCom. \$125,000. Meier – commented on being specific on what materials are going in there. TA Guerino approved construction and design.

b. Acceptance of a whale

The Wagners would like to donate one whale back to the town at the next meeting the board sign a letter. Go up and get and hoping to display on the park or on the town side of lake. Tentatively have a place and will take in during the winter.

c. Facilities Manager appointment

TA Guerino notified the public of the appointment of Jonathan Nelson of 2 Crow's Nest Drive in Buzzards Bay. Mr. Nelson comes to this position with great enthusiasm and believes he will be able to provide with knowledge of what is needed to run the department, do assessments and project management. TA Guerino is asking the board for a waiver of the 14 days.

Meier MOVED and SECONDED by Pickard to approve TA Guerino's recommendation of removing the waiver of 14 days. VOTE 5-0.

TA Guerino – Mr. Nelson will begin on 11/5/12 and will formally meet the board prior to his hiring date.

Selectmen's Business

a. Review warrant article

Completed.

b. DPW facility discussion

Discussed.

c. Board to vote publically on Counsel for ISWM

Ford – Atty. Mark Kalpin was the unanimous choice of the board to provide Special Counsel for Bourne. Atty. Kalpin has accepted and has agreed to reduce his salary to \$600/hour - this will be discussed with the Finance Department.

Pickard MOVED and SECONDED by Meier to approve Atty. Mark Kalpin of Wilmer & Hale as ISWM Special Counsel. VOTE 5-0.

d. Designation of Special Municipal Employees – Charter Compliance Committee

Meier MOVED and SECONDED by Pickard to add "members of the charter compliance committee" to the selectmen's blanket vote granting special municipal employee status under the conflict of interest law.

Zuern – the Cape Cod Commission sponsoring a meeting – go to waterliance.org to sign up. She attended a BFDC meeting.

Meier – will not be at the Selectmen's meeting of 10/23/12 – this is also a BOSC meeting night. He mentioned FinCom's Glenn Galusha thanked the board for recognition of the passing of his wife.

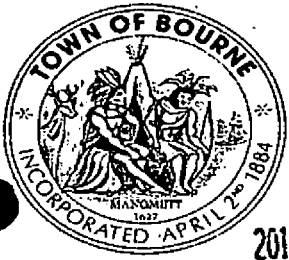
Baldwin – spoke about Current Events and mentioned doing a blog in which he will look into.

Ford – attended the BFDC meeting, met with TA Guerino during the week to discuss the centennial meeting at the Beachmoor – an events planner is coming on-line and will be a good program for the town.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:50 pm.

Respectfully submitted - Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



2012 OCT 4 PM 4 09

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday October 9, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: October 2, 2012

5. Correspondence

6. Eco-toilet presentation

7. Licenses/Appointments:
 - a. Chartwell's One Day Beer & Wine License

8. Sign Special Town Meeting and November Election Warrant

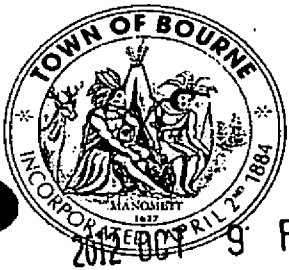
9. Board to determine funding source for 145000 waste water study article

10. Human Resource policy third reading and adoption vote

11. Public Works Facility discussion and position

12. Selectmen's business:

13. Adjourn



Board of Selectmen Meeting Notice AGENDA



2012 OCT 9 PM 1 36
TOWN CLERK'S OFFICE
BOURNE, MASS

Amended Agenda

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10. Human Resource policy third reading and adoption vote

11. Public Works Facility discussion and position

12. Selectmen's Business:

- a. Waive \$200.00 fee for use of the Bourne Veterans Memorial Community Building for Psychic Fair Fundraiser on 10.13.12

13. Adjourn

**Board of Selectmen
Minutes of October 9, 2012
Bourne Community Building 2012 OCT 25 AM 11 35
Bourne, MA 02532**

.....TOWN CLERK'S OFFICE.....
BOURNE, MASS

TA Guerino (excused)
Linda Marzelli, Financial Director

John Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

List of documents

- The Green Center, Inc. PowerPoint presentation – dated 10/9/12

Meeting called to order

7:00 pm by Chm. Ford

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

Moment of Silence/Salute the Flag

Public Comment

None at this time.

Approval of minutes – regular: 10/2/12

Pickard MOVED and SECONDED by Meier to approve regular session minutes of 10/2/12 as amended. VOTE 5-0. Pages 2, 4, 6 Greene.

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

At this time, Chm. Ford introduced Ms. Linda Marzelli in place for TA Guerino.

Eco-toilet presentation – Hilde Maingay and Earle Barnhardt

The Green Center, Inc. – a non-profit research and education organization in Falmouth, MA.

Conventional toilets use a lot of clean water to flush human waste. Eco-toilets minimize the contamination of clean water. They range from toilets that package human waste for collection and disposal to toilets that create nutrient-rich compost from human waste.

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Zuern – Phoenix composting toilets and can use composting material out in the yard for landscaping. Current MA law requires to bury 6" into earth or take away by a licensed company. There are no specifications. Zuern asked how often the system needs to be cleaned out. Waste for a family of 2 adults and 2 children requires once every three years. If you have waste separated, it becomes pathogen free after 2 years and can use on landscapes without hazard.

Meier – asked if Bourne has local regulations. Ms. Coffin said Bourne has composting toilets (haul off on Bassets Island) and there are a few that have been approved in town.

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Sign Special Town Meeting and November Election Warrant

Signing of Special Town Meeting and Election Warrant handed to the Selectmen for signatures.

Pickard MOVED and SECONDED by Meier to sign the Special Town Meeting and November Election Warrant. VOTE 5-0.

Zuern encouraged the public to review and be familiar with the red book of the Election Warrant (ex: use of marijuana, assisted suicide, etc). prior to voting.

Board to determine funding source for \$145,000 waste water study article

Ms. Marzelli – recommends to take money from Free Cash.

Pickard MOVED and SECONDED by Meier to take monies out of Free Cash for the \$145,000 waste water study. VOTE 5-0.

Human Resource policy third reading and adoption vote – Troy Thompson

Ford:

- Hiring – add language stating the Fire Chief should be left to his discretion and follow HRD and State Civil Service procedures and regulations
- Family – add language that states ‘no town employee shall participate on any interview with cousin or spouse’
- Police Department retaining files – police employees are ‘sworn officers’
- Documents inserted into employees file – TA Administrator is the appointing authority
- Page 23 – taken out due to contracts
- Page 28 – taken out
- Page 33 – add language stating HR Director would do an investigation on all employees; Ms. Thompson said it is procedure.

Ms. Thompson – policy is updated. The Harassment Policy to “Discriminatory Policy” will need Town Counsel review.

Zuern – issues with the Harassment Policy and isn’t sure of the changing of the language is suffice. Ms. Thompson said MPA took language from MCAD; if there is more of their verbage, not following the State.

Pickard – Zuern’s point is taken but feels it is taken with criminal statues. In order to allege criminal harassment, there has to be 3 specific episodes on record and may be a different type of harassment.

Ford – requested Ms. Thompson add language that says the HR Director will put an employee on notice and document.

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Ford – everyone would have to comply eradicate before it became a problem where action needed to be taken (anti-violence policy).

Meier – HR Director talking to the victim, but what if an employee wants a Union Representation present. Ms. Thompson said employee can have that.

Ms. Thompson – the Policies were reviewed by Town Counsel.

Pickard – the board is not at a point to adopt on a Third Reading due to the number of questions brought forward tonight.

Ford – Atty. Troy hasn't gone over the Harassment Policy. He is fine with the policy with stipulations raised tonight. He agrees the Discriminatory or Harassment will need to be reviewed by Atty. Troy.

Mr. Mulvey – suggests harassment have a legal definition. He also said Ford voiced a number of amendments/additions and there must be a consensus that the rest of the board concurs.

Ms. Thompson – reviewed with Ms. Sundman the Family Medical Leave – page 3. After Family Medical Leave was used, employees request vacation - leaving the department short-handed. To rectify, use personal time, sick time, compensation and then vacation in this order.

Zuern – asked about medical leave 12 weeks. Seems not enough days to wait until employees get vacation. Unions never questioned this policy.

Meier – asked if the changes reflect any grievances in any departments. Ms. Thompson – stems from the Fire Department, but will not be an issue in the future.

Ford – Atty. Troy to review comments made tonight, including the Harassment Policy and will be put on Selectmen's agenda for a 4th Reading.

Public Works Facility discussion and position

Board should consider final vote tonight.

Pickard – Thanked Mr. Andrews and his committee's work and hopes this board takes a position tonight.

Ford – this will free up land and extending the life of the landfill until 2048. This was worth \$10M at that time. Relative to the landfill ending on 12/31/14, most towns are seeing prices \$74 - \$94 for disposal. Covanta went out separately and came in between \$60 - mid \$70s for Bourne. Phase 6 will be a \$23M revenue stream for the town.

Pickard – the price to start delivering waste to Covanta is less than it costs the town to put in the ground.

Ford – believes the new DPW facility is in the best interest for the town and is something that is needed. He is in favor of this proposal.

Meier – new building is also freeing up space in Town Hall and will give room for other departments; this is not just for DPW but other town departments. He supports this proposal. Pickard – ISWM contributed \$18M to the General Fund in the last 10 years. ISWM is paying for a portion for the new facility. The community, as a whole, benefits.

Zuern – the cost comes out to be \$37 per year. She encourages the public to come to the Open Houses with any questions.

Mr. Andrews – Info sessions will be held on 10/18/12 and 10/25/12 at 7:00 pm at the BMS Library. An Open House will be held on 10/27/12 at the DPW facility from 9:00 am – 12:00 pm – a shuttle will be available between the hours of 9:00 am, 10:00 am and 11:00 am from the Community Building to the facility. Poster boards will be located at the Public Library, the Community Building, Town Hall and the Gallo Ice Area. Informational fliers will be available this week and will be available at said locations.

Pickard – added that land is town-owned property. The Finance Director worked on a formula. Ms. Marzelli said ISWM had a better year this year and feels they can do a \$1M debt service.

Meier MOVED and SECONDED by Pickard to approve the Department of Public Works facility as discussed including the outlined funding source as presented. VOTE 5-0.

Ford – he feels the facility is a good sell for the public even with the given the time frame for public outreach. In the past he has not been in favor of an override, but feels in this case it is appropriate. He is optimistic.

Meier – Town Meeting will be tough because the bonding needs a 2/3rd vote. He is cautiously optimistic.

Baldwin – he feels the new facility will enhance the financial stability of the town in the future as there will always be waste.

Zuern – DPW facility outreach includes a TV show “Spotlight on Bourne” which will be aired on 10/24/12. Mr. Stanley Andrews, Mr. Rickie Tellier and Mr. John Redman will be on the show.

BOARD VOTE: VOTE 5-0.

Selectmen’s business

Ford – Friends requested a \$200 waiver for Psychic on 10/13/12 from the board for use of Community Building. TA Guerino’s position is in favor.

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Discussion

Baldwin - doesn't feel the board should waive the fee.

Mr. Mulvey – is in favor of the waiver of the \$200 with the stipulation that the Friends leave the building in its previous state.

Zuern – when the Community Building was built, it was the Friends who did a lot of the fundraising, etc. and feels the board should work with the Friends.

BOARD VOTE: VOTE 4-1 (Baldwin in opposition).

Other Selectmen's Business

Zuern – attended the Mass. Selectmen's Association and the 100th Anniversary of the Pocasset Community Building.

Ford – attended the Mass Selectmen's Association which discussed the Federal cuts that have been already voted upon and the States will have to make up for it. The town "isn't out of the woods yet." Next week he will attend the Cape Cod Selectmen's Association on Friday at the Dan'l Webster Inn.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:05 pm.

Respectfully submitted - Lisa Groezinger, sec.

**Board of Selectmen
Minutes of October 9, 2012
Bourne Community Building
Bourne, MA 02532**

2012 NOV 16 PM 10 26
TOWN CLERK'S OFFICE
BOURNE, MASS

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BOARD VOTE: VOTE 4-1 (Baldwin in opposition).

Other Selectmen's Business

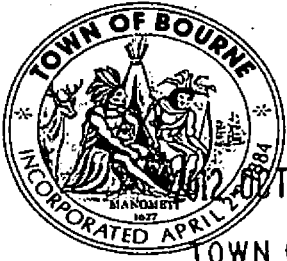
Zuern – attended the Mass. Selectmen's Association and the 100th Anniversary of the Pocasset Community Building.

Ford – attended the Mass Selectmen's Association which discussed the Federal cuts that have been already voted upon and the States will have to make up for it. The town "isn't out of the woods yet." Next week he will attend the Cape Cod Selectmen's Association on Friday at the Dan'l Webster Inn.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:05 pm.

Respectfully submitted - Lisa Groezinger, sec.



**Board of Selectmen
Meeting Notice
AGENDA**



TOWN CLERK'S OFFICE
BOURNE, MASS

Joint Session With Finance Committee

<u>Date</u>	<u>Time</u>	<u>Location</u>
Monday October 15, 2012	7:00 p.m.	Bourne Veterans Memorial Community Center 239 Main Street, Buzzards Bay

1. Review and vote on articles to be presented at the Bourne Special Town Meeting on October 29, 2012.
2. Other Selectmen's business
3. Adjourn

**Finance Committee
Joint Meeting with the Board of Selectmen
Minutes of October 15, 2012**

2012 OCT 25 AM 8 49 Bourne Community Building
Bourne, MA 02532

-----TOWN CLERK'S OFFICE-----

BOURNE, MASS

Finance Committee: Chm. Michele Ford, Co-Vice Chm. Elinor Ripley and Mary Jane Mastrangelo, David Ahearn, Mark DeCicco, Glenn Galusha, Bill Grant, Donald Montour, Jeff Perry, John Redman and George Slade

TA Guerino

- John Ford, Chairman
- Don Pickard, Vice-Chairman
- Peter Meier, Clerk
- Earl Baldwin (excused)
- Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise

Guest(s): Linda Marzelli, Financial Director

List of documents
Special Town Meeting Warrant Meeting called to order
7:00 pm by Chm. M. Ford

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

Chm. M. Ford announced Hal DeWaltoff's resignation from the FinCom and recognized his efforts, thanked him for his service.

Minutes
Tabled to the next meeting.

Reserve Fund Transfers
None.

Article 16 - DPW Article - John Redman and Dave Ahearn

Project cost summary:
Building -\$5,253,370
Industrial support equipment/fueling - \$730,000

Site development costs - \$2,655,342
Design contingencies - \$345,548

Subtotal Construction of \$8,984,260 (\$244/SF)
Soft Costs & Const. Contingencies - \$2,096,538

TOTAL COST \$11,080,798

How will town finance project.

\$1M – savings for site work completed by DPW & ISWM
\$1M – from ISWM retained earnings
\$750,000 – Stabilization
\$500,000 – Free Cash
\$500,000 – Capital Reserve
\$1M – ISWM financing
Remaining cost as Debt Exclusion of \$6,330,798

This will affect tax rate by 12 cents/\$1,000 or \$37.16/year on a \$300,000 home. New DPW Facility Presentation on Thursday at BMS at 7:00 pm, and next Thursday at BMS at 7:00 pm. Open House on 10/27/12 at the DPW Facility.

Ahearn – another key point in the \$11M costs is almost \$1M is mandated costs.

Chm. M. Ford – asked if this is a project the town needs to take on. Ahearn responded by saying it is and that it is important for the citizens to see the old facility as there are safety issues for 30 individuals, crowdedness and trailers for storage.

Chm. M. Ford – asked about the declining tax rate impact for citizens to know. The note is not 12 cents/year for the length of the note.

Ms. Marzelli – debt service will go down and individual cost will go down.

Redman – encouraged the public to educate themselves on how much the DPW is doing for the town - probably more than they realize.

Ahearn – 61% of the new facility is to protect equipment which has a value of \$10M. The facility will save equipment life between 3-5 years.

Ahearn – average homeowner will pay \$611 total in 20 years. Ms. Marzelli – she believes the rate goes down \$1/year, but she will double check.

Selectmen Chm. J. Ford – the town still has to move highway department as the town needs the land. The building is needed and there are safety issues for the employees.

TA Guerino – the Open House will have a shuttle at 9:00 am, 10:00 am and 11:00 am from the Community Center to the DPW facility and back.

Redman – The cost for the total project is \$276/sq.ft. The vehicle storage area is \$80/sq.ft.

Meier – the DPW does what no other department is doing. He is in favor of this.

Ahearn – looking at DPW functions of other towns, they do little compared to what Bourne's DPW does and what little it costs the public.

Ripley MOVED and SECONDED by Perry approval of Article 16. UNANIMOUS VOTE.

Article 1- Balance Budget

\$12.60 out of Free Cash as it was voted appropriately.

Redman MOVED and SECONDED by Ahearn to approve Article 1. UNANIMOUS VOTE.

Article 2 – Department expenses

Total - \$460,500 from Free Cash:

\$320,000 - Insurance expense - result of company splitting and actual premium the year renewable are going on. Still less costly than MIA.

\$3,550 - ISWM Working Group - travel and retain services to take minutes

\$5,000 - Selectmen expenses - for other contracted services (2014 Canal Celebration – coming back for additional monies).

\$65,000 - DNR - gasoline (25% mark up).

\$600 - Bourne Veteran's Memorial Community Building Trustees wages – administrative support for meetings.

\$37,850 - Town Hall maintenance - primarily expense due to expense for the move currently taking place between Clerk's office and the Finance Department.

\$7,500 - Human Resources Salaries and Wages – to allow full time assistant in the HR department

(-\$7,500) - Fire Department Salaries and Wages – offsets HR position

\$25,000 - Town Building Maintenance Salaries and Wages

\$28,500 - Finance expenses - Data processing for IT equipment per Capital Outlay. Includes other equipment and software since the last meeting.

Ripley MOVED and SECONDED by Mastrangelo to approve Article 2. UNANIMOUS VOTE.

Article 3 – Unpaid Bills

\$3,130.79 (FD and Finance Department)

Mastrangelo MOVED and SECONDED by Galusha to approve Article 3. UNANIMOUS VOTE.

Article 7 – Long-term retirement and healthcare

Long-term retirement and healthcare. \$250,000 from Free Cash to begin a Trust Fund started by the Treasurer.

Mastrangelo – currently a pay as you go. Ms. Marzelli to get current operation budget cost for this liability. TA Guerino explained retirees pay 25% for health, paying the balance until the age of 65 then they go to Medicare. TA Guerino said the town was told how to use this account as a full liability against the town's assets. Ahearn commented on once this starts, it will be funded every year, showing a consistent effort every year. Eventually this will become a budgetary item.

Selectmen Chm. J. Ford – should have been doing five (5) years ago.

Grant MOVED and SECONDED by Mastrangelo to approve Article 7. UNANIMOUS VOTE.

Article on Capital Improvements

Defer to next week.

Article 5 – Cable TV

To pay back FinCom Reserve Fund of \$28,120 for transfer to keep lights on while non-profit got themselves up and running. After the second payment, Selectmen will write a letter to Comcast and will keep cable access group going.

Slade MOVED and SECONDED by Montour to approve Article 5. UNANIMOUS VOTE.

Article 15 – Comcast van

Comcast van to transfer out of Comcast and will transfer back to the non-profit. Non-profit will receive capital every year and will be up to them to fund.

Galusha MOVED and SECONDED by Perry to approve Article 15. UNANIMOUS VOTE.

Article 13 – Land article

Two parcels are up for auction and have been taken appropriately by tax sale.

Mastrangelo MOVED and SECONDED by Grant to recommend Indefinite Postponement of Article 13. UNANIMOUS VOTE.

Article 17 – Land article

Property not tax titled property at the corner of Cohasset Avenue. Authorize Selectmen to dispose property to dispose of as they see fit.

Grant MOVED and SECONDED by Ahearn to approve Article 17. UNANIMOUS VOTE.

Town Bylaws to be Amended:

Article 9 – Bylaws Section 3.7.6 Water Resource District Enforcement

Enforcement; Violation; Penalty.

Changing the fine from not less than \$50 nor more than \$300 to just \$300. Commissions members/employees removed. Approved unanimously by the Bylaw Committee.

Grant MOVED and SECONDED by Galusha to approve Article 10. VOTE 10-1 (Mastrangelo in opposition.)

Article 10, 11 and 12: Bylaws Article 3.6 Use of Waterways

If Article 10 passes Article 11 and Article 12 are moot.. These are contingent Articles. If Article 11 or Article 12 is pulled, we immediately go to Article 10. Designated Waterskiing Areas.

Section 3.6.2

Enforcement and Penalties. By the Harbormaster or Assistant Harbormasters. \$25 for the first violation and \$50 for every violation thereafter.

Section 3.6.3

Definitions. Little Bay (20) and Permanent Mooring Reduction Area. This to be under the control of the Harbormaster and the Selectmen.

These articles will be on next week's agenda to vote.

Chm. M. Ford - Articles Deemed Essential to the operations of the tow.

Articles 1, 2, 3, 5, 15, 16. These Articles to be considered to be taken out of the lottery and dealt with in advance.

Mastrangelo MOVED and SECONDED by Redman that Articles 1, 2, 3, 5, 15 and 16 as essential. UNANIMOUS VOTE.

Mastrangelo – seawall money. TA Guerino said based on explanation of Conservation Agent is that this Article is essential.

**Mastrangelo MOVED and SECONDED by Ripley to add Article 6 as an essential Article.
UNANIMOUS VOTE.**

Town Administrator comment

None at this time.

Selectmen comment

Meier - received an email from School Committee members with regard to a fundraiser. Meier read into record the email invitation to the Homecoming Weekend to benefit a BMS graduate to defray medical expenses.

FinCom comments

Oral comments to Elinor Ripley as soon as possible.

Public comment

None.

Future agenda items

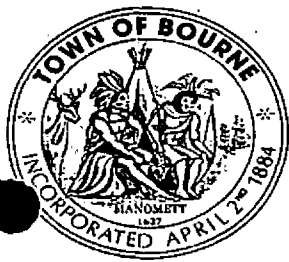
None.

Chm. M. Ford – the committee will vote as many articles that are left at the next meeting; any that aren't voted upon will be voted at Town Meeting.

Adjournment

Galusha MOVED and SECONDED by Montour to adjourn. Meeting adjourned at 8:28 pm.

Respectfully submitted - Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA AMENDED



2012 OCT 23 THU 8 36

TOWN CLERK'S OFFICE
BOURNE, MASS

6:00: Executive Session

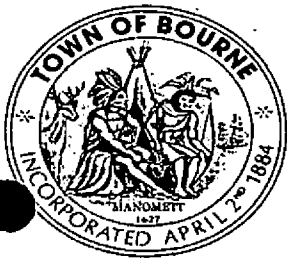
1. Pending Litigation
 - a. Police – (Sgt. Michelle Tonini)
 - b. Fire – (Firefighter Richard Doherty)
2. Real Estate Negotiations

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday October 23, 2012	7:15 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

7:15 – 7:30 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: September 24, 2012; October 9, 2012
5. Correspondence
6. Obstruction of visibility on Baxendale Road
7. Comprehensive personnel policies adoption (Ms. Thompson – Mr. Guerino)
8. Shellfish Propagation/Management Openings and Closures (Mr. Mullen)
9. Review of By-Law proposed changes (Mr. Mullen)
10. Licenses/Appointments:
 - a. Lobster Trap - Entertainment License
 - b. Appointment of Election Workers
 - c. Appointment of Andrew Cormier – Special Works Opportunity Program
11. Town Administrator's business:
 - a. FY 14 Budget discussion
 - b. Town Meeting prep.
 - c. ICMA Meeting report
 - d. Clerk/Collector Move
12. Selectmen's business:
 - a. Discussion regarding joint meeting with Finance Committee
 - b. Special Town Meeting article vote
 - c. Transportation Committee – Change in Charge
 - d. Facility Use Policy discussion

13. Adjourn



**Board of Selectmen
Meeting Notice
AGENDA
AMENDED**



6:00: Executive Session

2012 OCT 22 PM 12 42

1. Pending Litigation

TOWN CLERK'S OFFICE

a. Police – (Sgt. Michelle Tonini) BOURNE, MASS

b. Fire – (Firefighter Richard Doherty)

Date

Tuesday
October 23, 2012

Time

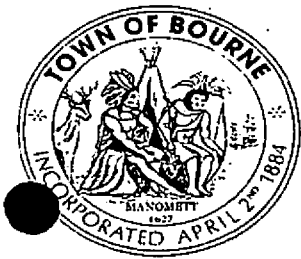
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Location

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 - b. Special Town Meeting article vote
 - c. Transportation Committee – Change in Charge
 - d. Facility Use Policy discussion
13. Adjourn



Board of Selectmen Meeting Notice AGENDA



6:00: Executive Session ~~2012 OCT 19 PM 7 26~~

1. Pending Litigation
 - a. Police – (Sgt. ~~Michael Tonin~~)
 - b. Fire – (Firefighter ~~Richard Doherty~~)

<u>Date</u>	<u>Time</u>	<u>Location</u>
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 - c. ICMA Meeting report
 - d. Clerk/Collector Move
12. Selectmen's business:
 - a. Discussion regarding joint meeting with Finance Committee
 - b. Special Town Meeting article vote
 - c. Transportation Committee – Change in Charge
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13. Adjourn

Board of Selectmen Executive Session Minutes of October 23, 2012

Mr. Pickard made a motion to enter into executive session regarding labor related litigation relative to Tonini and Doherty and for the purposes of buying and/or selling real estate where pre mature disclosure could adversely affect the outcome of negotiations and to return to open session at the conclusion of the Executive session. The motion was seconded my Ms. Zuern and agreed to a roll call vote called by the Chairman.

Ms. Zuern – Yes Mr. Pickard – Yes Mr. Bladwin – Yes Mr. Ford – Yes
Mr. Meier – excused.

TOWN CLERK'S OFFICE
BOURNE, MASS
2012 JUN 25 AM 9 20

Chief Woodside, Chief Greene, Town Counsel Robert Troy and Counsel assigned to the Town's regards to the Doherty Matter, Mr. Gareth Notis were present at the Executive Session.

Mr. Troy addressed the Board regarding the Tonini settlement previously agreed to by the BOS for the sum of \$12,000.00 This agreement was to include a "Global Settlement" absolving the Town from any and all future claims the Ms. Tonini may believes she may have. Mr. Troy was informed by Counsel for Ms. Tonini that she would not sign a Global settlement. She will agree to sign off on the 111F portion of the claim for the \$12,000 amount. After discussion with Chief Woodside, who had spoken with Mr. Jack Collins of the MPCA both suggested that the Selectmen consider settlement. Mr. Woodside and Mr Troy recommend that the BOS authorize the settlement.

Mr. Ford made a motion to accept Attorney Troy's and Chief Woodside's recommendation to settle on the 111F related issues. Mr. Baldwin Seconded the motion and the Chair proceeded to conduct a roll call vote of the Board. Ms. Zuern – Yes Mr. Pickard – Yes Mr. Bladwin – Yes Mr. Ford – Yes Mr. Meier – excused.

\Attorney Troy briefly reviewed recent emails and letters to the editor by Mr. Don Hayward from a legal perspective and what, if any response the Selectmen should have given that the topic of the emails, etc were related to ongoing litigation.

Mr. Troy formally introduced Attorney Gareth Notis, the Attorney representing the Town and Mr. Guerino in the Matter of Doherty V. Guerino in U.S. Federal District Court. Mr. Notis is also representing the Town in the Almeder case at the MCAD.

Mr. Notis informed the BOS that the Trial was in the very early stages and tasks such as Discovery had not yet commenced. – He explained that once the Civil Service Commission had overturned the Town's termination of Doherty and imposed a suspension, Judge O'Toole, the justice assigned to the Federal case suggested a "global settlement negotiation" regarding all three pending cases be commenced (DLR, Federal and Civil Service appeal). If a settlement is not able to be reached Mr. Notis will enter a request for Summary Judgment.

Under the case as filed, Mr Doherty must prove wrong doing by the town that has resulted in a violation of his civil rights under law v. the Town's rights to protect its citizens and work force and all other town rights. Mr. Notis provided a more thorough explanation of the matters of law that are incorporated into the body of the case both from his assumption of how the Doherty side of the case will proceed and what the Town's legal position will be should the case move forward. He strongly noted that the Insurance Company is not going to be prepared to settle for some "stupid" amount of money and will probably move forward to summary judgment and/or trial should the settlement demand be out of line. "The Town/Tom risk little moving forward with summary judgment." Should summary judgment not be granted the Town/Tom have an excellent case moving to trial. Mr. Notis went on to discuss various financial scenarios that could be discussed at trial and during the global settlement discussions.

Mr. Ford queried the affirmative decision by PERAC and the County Retirement Board regarding Mr. Doherty's disability retirement on Psychiatric and mental health disability grounds.

Mr. Pickard brought up the case involving a Hamilton Police Officer that recently settled for about 1.5 million dollars.

Bob Troy stated that if, during settlement discussions, a gap does exist between what the Insurance company is willing to offer and what the Doherty side is seeking the town may want to consider municipal financing for the gap. The Selectmen discussed this and considered a 30 – 40 K number ok to settle.

Mr. Notis stated that the Town/insurance company must consider Doherty's position in the case – he has nothing to lose since he is working on the BASE and has his disability retirement.

The Board was cautioned that this case must remain under the strictness of confidence. Any outside discussion of the case could place the town's position in jeopardy.

Discussion occurred that perhaps a Global settlement is in the best interest of the Town provided the numbers are reasonable. Mr. Notis and Mr Troy stated that there is legitimate town interest to really consider this "EVEN THOUGH THE TOWN DID EVERYTHING RIGHT IN THIS CASE".

Respectfully submitted,

Thomas Guerino – Town Administrator

**Board of Selectmen
Minutes of October 23, 2012
Bourne Community Building
Bourne, MA 02532**

TA Guerino

Don Pickard, Chairman
John Chm. Ford, Vice-Chairman
Peter Meier, Clerk (excused)
Earl Baldwin
Linda Zuern

2012 NOV 16 AM 10 26
TOWN CLERK'S OFFICE
BOURNE, MASS

6:00 pm – Chm. Chm. Ford called meeting to order.

Pickard MOVED and SECONDED by Zuern to go into Executive Session to discuss pending litigation: a) Police – Stg. Michelle Tonini; and b) Fire – Firefighter Richard Doherty and to reconvene in public session. Roll call: Zuern – yes; Pickard – yes; Baldwin – yes; Ford – yes.

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

Meeting convened at 7:15 pm.

Moment of Silence for our Troops

Salute the Flag

Public Comment – Non-Agenda Items

TA Guerino introduced a candidate for Eagle Scout, Master James Manduca of Troop 36 Mashpee. He will sit for the meeting for observation and questions.

Ms. Kathleen Donovan – commended TA Guerino for the Ethics meeting that was held. TA Guerino said it was collaboration with COA Director Ms. Monteiro.

Approve Minutes: September 24, 2012; October 9, 2012

Pickard MOVED and SECONDED by Zuern to approve minutes of 9/24/12 as amended.
VOTE 3-0. Baldwin abstained.

Pickard MOVED and SECONDED by Zuern to approve minutes of 10/9/12 as amended.
VOTE 4-0.

TA Guerino – commented on the YMCA from Falmouth looking to expand down into the Falmouth area and asked if they can take up during Item #7 - Comprehensive personnel policies adoption as Ms. Thompson will not be available.

Correspondence

Pickard read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Item G – Wareham Veterans' Day Parade, Ceremony and Luncheon. TA Guerino will send notice that Zuern and Chm. Ford will attend.

Item B – Weights and Measures. Intermunicipal agreement is reviewed on an annual basis.

Item H - transportation issues. TA Guerino will attend.

Obstruction of visibility on Baxendale Road

Sgt. James Czyryca on behalf of the Chief Woodside with Mr. George Sala.

Issue of public safety with overgrowth of trees and shrubs at Baxendale Road. That is four feet over the roadway. The section is on a gradual curve. It is a private roadway, serviced by the town for snow removal and trash pickup. Violation of Bylaw 3.2.1 and require trimmed, altered or removed within 10 days of written notice.

Pictures passed around to the board and submitted for the record. Mr. Sala and Mr. Tellier haven't been able to make any contact with owner. Neighbor cannot get out of her driveway safely.

Pickard MOVED and SECONDED by Baldwin the board support Police Chief Woodside and submit letter after hearing testimony of both Mr. Sala and Sgt. Czyryca

with regard to the property identified in photo as it is a hazard to traffic and will be required to be trimmed back into compliance within 10 days or the town will take action to remove.

Zuern – requested to send letter by certified mail before the town takes action to remove. TA Guerino said notification will be sent by certified letter.

VOTE 4-0.

Comprehensive personnel policies adoption (Ms. Thompson – Mr. Guerino)

Tabled as Town Counsel and Ms. Thompson have not met to review before adoption.

Shellfish Propagation/Management Openings and Closures (Mr. Mullen)

Pickard MOVED and SECONDED by Baldwin to approve the request of the Harbormaster to re-open what was closed last year. VOTE 4-0.

Pickard MOVED and SECONDED by Zuern to approve the request of the Harbormaster's closure request. VOTE 4-0.

Pickard MOVED and SECONDED by Zuern to approve the request of the Harbormaster to re-classify and open the areas of Little Bay, Windsor Cove, and Toby Island. VOTE 4-0.

Review of By-Law proposed changes (Mr. Mullen)

This is a housekeeping as the Bylaw proposed changes. Three of the four changes have already been addressed in the Waterway Regulations. What is not addressed is the mooring reduction area.

Chm. Ford – at last night's FinCom meeting, discussion of taking out of the bylaws and it would mean we no longer have people at ATM to make any votes; it would be done by the Selectmen with regard to Waterway Regulations. Moorings would be 100% under the Harbormaster.

Article 10 - FinCom approved Article 10.

Article 11 - FinCom approved Article 11 if Article 10 fails; otherwise if Article 10 passes, Indefinitely Postpone Article 11.

Article 12 – FinCom approved Article 12 if Article 10 fails; otherwise if Article 10 passes, Indefinitely Postpone Article 12.

TA Guerino - if Article 10 fails, the position of the motions for Article 11 and Article 12 is to Indefinitely Postpone.

Mr. Mulvey - feels it is not within the jurisdiction of the Selectmen to take action before or against with regard to the Waterway Regulations; if there are going to be changes, it should be left to the Harbormaster with the ability of someone to appeal his decision to Boston Waterways Commission. The Selectmen are not legitimately involved in issues with the Harbormaster.

No board vote taken.

Licenses/Appointments:

a. Lobster Trap - Entertainment License

Pickard – asked TA Guerino if this is consistent with other licenses. TA Guerino it is what applicant requested and the board can make consistent being the licensing authority, they can adjust as they see fit.

Zuern – would like to see clarification of what ‘soft music’ is on the permit.

TA Guerino – be cognizant of the FD comments of 99 people limit.

Pickard MOVED and SECONDED by Zuern to approval Lobster Trap’s request for an Entertainment License at 290 Shore Road for soft music inside only from 11:00 am – 11:00 pm, 7 days a week per routing slip.

Discussion

Ms. Kathleen Donovan is opposed to this request as the place is too small and doesn’t have enough parking.

VOTE 3-1 (Baldwin opposed).

b. Appointment of Election Workers

Pickard MOVED and SECONDED by Zuern to approve appointment of Election Workers as being George Rucker, Jr., Beverly Armando, Kathy Fritzell and Grace Matakanski. VOTE 4-0.

c. Appointment of Andrew Cormier – Special Works Opportunity Program

Pickard MOVED and SECONDED by Zuern to re-appoint Mr. Andrew Cormier to the Special Works Opportunity Program for a term to expire 6/30/13.

Discussion

Mr. Agrillo – asked what the Special Works Opportunity Program is. TA Guerino said it is a organization appt. by BOS that work with people who have cognitive or physical disabilities. Town supported for decades at Town Meeting. Interested parties can contact the Town Hall for information.

Mr. Mulvey – suggested Mr. Cormier come before the board to briefly discuss what the Special Works Opportunity Program does and contact information.

VOTE 4-0.

Town Administrator’s business:

a. FY 14 Budget discussion

This year may be a year where need to ‘take a breather’ from expansion; we really don’t know where the economy is going. The town needs to be cognizant of where we going with levy limitations; asking voters to support the DPW facility which is debt exclusion; \$145,000 to start a Wastewater study. TA Guerino is putting caution to Department Heads as we start the budget process with the board’s support.

Chm. Ford – supports TA Guerino’s recommendation of a conservative approach. He wouldn’t support any new positions if we don’t have the funds to support.

TA Guerino – sees requiring some assistance in a couple departments, but will need to show (2 p/t positions equaling 1 f/t) they are sustainable.

Zuern – attended the MMA meetings and stressed a liability account to take care of pensions. (Post Employment Benefit piece). TA Guerino said it will show we are serious about the standards. Zuern added Mr. Grant from the Finance Committee brought up issues that need to be taken care of. She supports the not hiring of any new people.

b. Town Meeting prep.

The board will be voting on articles later in tonight’s meeting.

c. ICMA Meeting report

TA Guerino – the ICMA was a very good conference, attended by people from all over the world. Next’s year’s conference will be in Boston, MA.

d. Clerk/Collector Move

TA Guerino – complete, but took a little longer than expected. Collector’s and Clerk’s offices have flipped. This will allow for cross training and continuing service. He thanked Linda Marzelli, Karen Giraud, Barry Johnson and Wendy Chapman for their efforts. He added Mr. Tellier offered some DPW staff to assist with the move. He thanked all involved for their cooperation.

Mr. Agrillo – raised issue with “tightening up their belts” but looking for voters to approve a new DPW facility. TA Guerino said he is in concurrence with the Selectmen and the FinCom.

Selectmen’s business:

a. Discussion regarding joint meeting with Finance Committee

Chm. Ford –suggested rotating Monday and Tuesdays to get a Selectmen quorum when scheduling joint meetings with the Finance Committee. He will speak with FinCom Chm. to discuss.

TA Guerino – according to the Charter, he prepares a budget which becomes a Selectmen’s budget, which becomes a public budget and then becomes the FinCom budget. Joint meetings alleviate the necessity of Department Heads having to present budgets more than once.

b. Special Town Meeting article vote

Chm. Ford – tonight this board needs to vote seven articles that are deemed Essential Articles. The FinCom voted unanimously that the DPW facility being essential. He contacted the Town

Moderator and was told it probably isn't essential, but if the board votes as essential, it becomes essential.

TA Guerino – DPW facility has some essential elements. If essential, it comes up prior to the lottery.

Chm. Ford – feels it really didn't fall into essential category as it sends the wrong message to the public.

Zuern –it is possible the article can be voted without being essential in one night.

Zuern MOVED and SECONDED by Pickard to vote Articles 1, 2, 3, 5, 6 and 15 as Essential Articles.

Discussion

Mr. Mulvey – asked if the monies to the non-profit will go back to the town with regard to the cable TV charges. TA Guerino said the \$28,140 approved by the FinCom to run cable access until non-profit was establish. This will repay the Reserve Fund; balance will go to the non-profit.

VOTE 4-0.

Article 1 – Amend Electric Service Upgrade for DPW

Pickard MOVED and SECONDED by Zuern to approve Article 1. VOTE 4-0.

Article 2 – Amend Departmental Budgets

Pickard MOVED and SECONDED by Zuern to approve Article 2. VOTE 4-0.

Article 3 – Unpaid Bills

Pickard MOVED and SECONDED by Zuern to approve Article 3. VOTE 4-0.

Article 4 – CPC undesignated fund balance

Pickard MOVED and SECONDED by Zuern to approve Article 4. VOTE 4-0.

Article 5 – Cable TV

Pickard MOVED and SECONDED by Zuern to approve Article 5. VOTE 4-0.

Article 6 – Capital Improvement

Pickard MOVED and SECONDED by Zuern to approve Article 6. VOTE 4-0.

Article 7 – Town's OBEB liability

Pickard MOVED and SECONDED by Zuern to approve Article 7. VOTE 4-0.

Article 8 – Sandwich Road

Pickard MOVED and SECONDED by Zuern to hold vote of Article 8 until Monday 10/29/12. VOTE 4-0.

Article 9 – Water Resource District Enforcement Bylaw

Pickard MOVED and SECONDED by Zuern to approve Article 9. VOTE 4-0.

Article 10 – Amend Use of Waterways Bylaw

Pickard MOVED and SECONDED by Zuern to approve Article 10. VOTE 4-0.

Article 11 – Amend Use of Waterways Designated Waterskiing Areas Bylaw

Zuern MOVED and SECONDED by Baldwin to approve Article 11. VOTE 2-2 (Ford, Pickard opposed). Motion fails.

Article 12 – Amend Use of Waterways Enforcement and Penalties Bylaw

Pickard MOVED and SECONDED by Zuern to approve Article 12. VOTE 4-0.

Article 13 – Board of Selectmen Authorization of Parcels of Land.

Board previously voted to IP this Article.

Article 15 – Ecovan to Bourne Community TV

Pickard MOVED and SECONDED by Zuern to approve Article 15. VOTE 4-0.

Article 17 – Land Parcels

Pickard MOVED and SECONDED by Zuern to approve Article 17. VOTE 4-0.

Article 18 – CPC restore/replace windows – no figures at FinCom

TA Guerino – recommended to defer vote and allow the FinCom make recommendation at STM.

c. Transportation Committee – Change in Charge

Chm. Ford – in the Charge there are 9 members with indefinite terms. In the Charge, requested to change the length of the term to a definite term to guarantee nine (9) active members.

TA Guerino – recommends a 3-year term, and will come back with new wording indicating terms. The board can put on their agenda for adoption.

Pickard MOVED and SECONDED by Zuern to give to TA Guerino authorization to amend the Charge to change term of service to no more than 3 years.

d. Facility Use

TA Guerino – with regard to meeting room areas, broken out as a fair and equitable system. Local non-profits don't charge. When look at the gymnasium schedule, there is no differentiation (with exception of young fundraising). The question comes up for a local non-profit comes for a fundraiser activity, the board can waive the fee. This leads the board into an area of non-consistent enforcement of your own policy.

The consensus of the board is to put on the 11/13/12 meeting agenda.

Pickard – he is not for charging non-profits; limit the amount of times per year. Chm. Ford is not for charging non-profits as well.

TA Guerino – suggested adding Veteran's Hall in room rentals fee if the area is utilized.

Zuern – as fees are not charged on Saturdays, she asked if this includes the rest of the week. TA Guerino said Saturdays is the issue.

TA Guerino – will draft up a policy similar to the front page of the Facility Use Policy for the next meeting.

Selectmen's Report

Zuern – attended Wareham meeting MEP; participated in the TV show for DPW facility which will be shown for two weeks. She did another show with Charlie Noyes on evacuation in the event of a hurricane.

Pickard – raised issue of the board's contractual obligation for a performance evaluation of the Town Administrator by the end of December. TA Guerino will look for templates from other towns (Franklin, Walpole for example) and bring to the board for review. He will also contact Mr. Warren Ruthford.

Chm. Ford – evaluating twice a year. TA Guerino said this is a check in once a year.

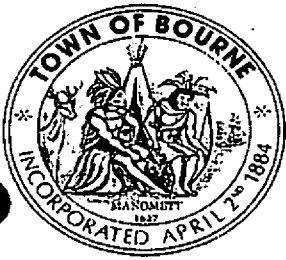
Pickard – the board is to provide TA by the end of December his review. TA Guerino said this is from 7/1/12 forward.

Chm. Ford – attended Selectmen's Association; attended joint meeting with FinCom on 10/15/12; attended the Ethics Committee meeting and the FinCom meeting of last night.

TA Guerino – Thursday, 10/25/12 at 7 pm at the Bourne Middle School, the second of public forum on the DPW facility will be held. On Saturday, 10/27/12 there will be an Open House with shuttles leaving the Community Building at 9:00 am, 10:00 am and 11:00 am. On Friday, 10/26/12 at 4:00 pm celebration for the construction on Main Street.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:38 pm.



**Board of Selectmen
Meeting Notice
AGENDA**



2012 OCT 25 PM 4 37

TOWN CLERK'S OFFICE
BOURNE, MASS

Date

Tuesday
October 29, 2012

Time

6:45 p.m.

Location

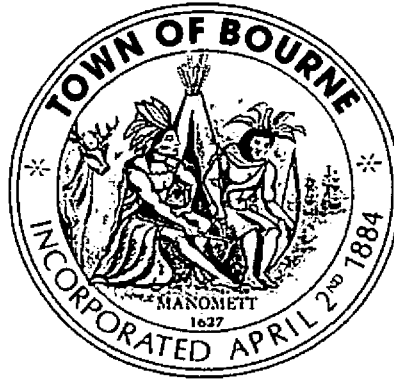
Bourne High School Auditorium
75 Waterhouse Road
Bourne

6:45 p.m.,

Discussion and vote on Special Town Meeting Articles.

Adjourn

2012 OCT 25 PM 1 54
TOWN CLERK'S OFFICE
BOURNE, MASS



BOARD OF SELECTMEN

Emergency Meeting Notice

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Monday October 29, 2012	11:00 A.M.	Bourne Town Hall 24 Perry Avenue Buzzards Bay, MA 02532

11:00 A.M. .For the purpose of discussing the Special Town Meeting

Thomas M. Guerino
Town Administrator

Date: October 25, 2012

Town Clerk
Selectmen

Board of Selectmen – Meeting Minutes of October 29, 2012 – Location Bourne Town Hall Town Administrator's Office

Chairman Ford, Mr. Pickard and Mr. Meier were present. Mr. Baldwin and Ms. Zuern excused.

Chairman Ford called the meeting to order at 11:00 A.M.

The purpose of the meeting is to establish a new date of the Special Town Meeting scheduled for today but needing to be postponed due to the state of emergency called by the Governor as a result of Tropical storm Sandy.

Mr. Pickard made a motion to hold a special Town Meeting on November 14, 2012 at 7:00 P.M. in the Bourne High School Auditorium. The Motion was seconded by Mr. Meier and unanimously agreed to by the members present.

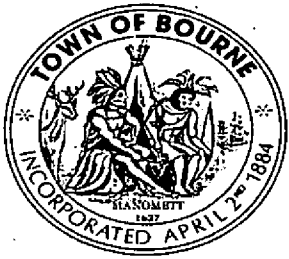
Mr. Meier made a motion to adjourn. The Motion was seconded by Mr. Pickard and unanimously agreed to by the Board members present.

Meeting adjourned at 11:04 A.M.

Respectfully submitted,

Thomas M. Guerino
Town Administrator

2012 NOV 16 AM 10 26
TOWN CLERK'S OFFICE
BOURNE, MASS



Board of Selectmen Meeting Notice AGENDA



EXECUTIVE SESSION

**6:00 - 7:00 P.M. - Pending Cases and Ongoing Litigation Update -
Fire Department: - Doherty/Weeks**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday November 13, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops

2. Salute the Flag

3. Public Comment – Non-Agenda Items

4. Minutes: Regular - October 23 & October 29, 2012
Executive – October 23, 2012

5. Correspondence

6. Tax Classification Hearing – Donna Barakauskas

7. Joint meeting with Board of Health to discuss; to announce the results of the Working Group's review of the previously issued Requests for Proposals regard Landfill Gas Utilization, Supply Leachate Treatment Equipment and Lease of certain Town-owned and Site-Assigned land for the Development of Alternative Waste handling Technologies. Followed by a brief discussion of next steps in the process.

8. Presentation of Road maintenance program. BETA Corp and Rick Tellier – (informational no action required)

9. Approval of Road Name for new subdivision – Tern Way

10. Discussion regarding next steps for public works garage proposal. Mr. Andrews.

11. Town Administrator's Report – Building use policy amendment

12. Selectmen's business:

a. Transportation Committee charge and terms of office.

13. Adjourn

2012 NOV 8 AM 8 35
TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of November 13, 2012
Bourne Community Building
Bourne, MA 02532

2012 DEC 5 AM 11 46

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Chm. Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

6:00 pm – Chm. Chm. Ford called meeting to order.

Pickard MOVED and SECONDED by Zuern to go into Executive Session to discuss pending cases and on-going litigation update – Fire Department: Doherty/Weeks and to reconvene in public session. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

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

Meeting convened at 7:15 pm.

Moment of Silence for our Troops

Salute the Flag

Public Comment – Non-Agenda Items

Mr. Barlow – on behalf of the Bourne Historic Society, informed the board and public of the Victorian Christmas Train on 12/5/12 at 6:30 pm in the park in conjunction with the Holiday lighting of the park.

TA Guerino introduced the new Director of Facilities, Jon Nelson. Pending projects are thorough assessments of the Police Station, Pocasset Fire Station and Town Hall. Mr. Nelson is in the process of completing a needs assessment. He is putting a package together to keep the buildings functioning while developing a 5-year plan.

Pickard – suggested using the Sagamore Fire Station as being the headquarters. TA Guerino will take into consideration, but will have to look at the logistics.

TA Guerino, Mr. Nelson and the School Superintendent will get together to review the schools the week after Thanksgiving.

Approve Minutes: Regular Session of 10/23/12 and 10/29/12 and Executive Session of 10/23/12

Pickard MOVED and SECONDED by Baldwin to approve minutes of 10/23/12 as amended. VOTE 4-0-1 (Meier abstained).

Pickard MOVED and SECONDED by Meier to approve minutes of 10/29/12 as amended. VOTE 3-0-2 (Zuern, Baldwin abstained).

Pickard MOVED and SECONDED by Zuern to approve executive session minutes of 10/23/12 as submitted. VOTE 4-0-1 (Meier abstained).

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Item B – the board will impose the one-day closing for the next agenda regarding T.J.'s Grill & Bar.

Item I – public auction of tax properties will be held on Thursday, 11/15/12. Please contact Ms. Sundman in the TA's office for further information. Zuern added there is a single-family home on 3 Birdsong Road. TA Guerino said it is in good shape; the town cleaned and landscaped the property and credited Ms. Sundman for getting the project up and running.

Tax Classification Hearing – Donna Barakauskas

Pickard MOVED and SECONDED by Zuern board vote in favor of the Tax Classification recommended by the Board of Assessors and Ms. Barakauskas to retain one tax rate for all classes of property for Fiscal Year 2013. VOTE 5-0.

Joint Meeting with Board of Health to discuss: announce results of the Working Group's review of the previously issued Requests for Proposals with regard to Landfill Gas Utilization, Supply Leachate Treatment Equipment and Lease of certain Town-owned and Site-Assigned land for the Development of Alternative Waste handling Technologies. Followed by a brief discussion of next steps in the process.

Meier MOVED and SECONDED by Zuern to take a five minute recess to set up for the Joint Meeting with the Board of Health. VOTE 5-0.

Members of the BOH present: Galon "Skip" Barlow, Stanley Andrews and Kathleen Peterson. Also present Dan Barrett, ISWM.

TA Guerino – back a few years, the town wanted to know the best utilization of the land site assigned and use of the landfill sight which includes the DPW moving and other points. As a recap of the last meeting in January, the town issued three RFPs for lease, gas use and leachate for the landfill area. This was reviewed by the Business Working Group to put together the RFPs and the Subcommittee reviewed those RFPs. It was recommended that TA Guerino issue a conditional award to Harvest Power to address site lease, gas and leachate. It was also recommended that with regard to leachate, the town would not be making a purchase at this time. If everyone is on the same page, the Interim Development Agreement (IDA) is to protect the town during the development and will include some site-assigned land. The lease will not be effective until the BOH allows site-assignment and has been recorded in the Registry of Deeds. The Final IDA is anticipated for review in January 2013, after the BOH has reviewed and has signed off.

Mr. Barrett – BOH Chm. Peterson raised question in site assignment which will engage counsel, Mr. Kalpin, to guide through the process – an interpretation of how it pertains to the IDA. The BOH needs to review to make sure there are no environmental issues and will continue to have joint meetings moving forward.

The Site Assignment, Condition #10, pertains to agreements and site lease. Once executed, we are moving forward. Anything done prior to execution is negotiations. The Assignment states in order for the town to engage in any type of agreement having to do with leasing, we have to have a full sign off from the BOH.

Pickard – introduced the Working Group: Mr. Redman, Mr. Ware and Mr. Schofield who were the subcommittee. All operations will be thoroughly reviewed by the BOH before any work will move along.

BOH Chm. Peterson – site assignment will be the most important item. The language is very specific and the BOH agrees the Working Group did a wonderful job. The BOH wants to make sure follow steps the right way.

Zuern – asked where the document comes from. The BOH wrote up with Counsel and adheres to the 2005 Site Assignment; this is the basis of how the landfill operates. A copy of said Assignment was given to Zuern.

Mr. Barlow – suggests the board ask the BOH's position for first hand information and to avoid second hand information.

Mr. Barrett – once we engage Town Counsel, he can make a quick judgment as to how to proceed and will relay to the BOH moving forward. TA Guerino ensured whatever counsel is engaged with, that Town Counsel will also be engaged as well.

Zuern – asked if organic material will be buried in the ground. Mr. Barrett said it and it is all enclosed and so is the entire building. The town will lean toward wet solids (food) vs. dry solids (grass, clippings). Bourne will not benefit from power currently as we will have to negotiate a power agreement. Benefit will be from sale of gas, least payments and the host community fee.

Chm. Ford – raised issue of, for example, a whale washed up in town; how will Bourne dispose of it? Mr. Barrett said this is why the DEP has formed subcommittees - for markets created - and that is what Harvest Power is doing.

Mr. Barlow – cautioned that this will be a long process which may pan out or may not pan out.

Mr. Andrews – this is another step. As we take each step, we will keep communications and continue the process until a decision point.

Presentation of Road maintenance program. BETA Corp and Rick Tellier (informational no action required)

Mr. Tellier - BETA Corporation here tonight for presentation of their inventory of all town roads (good and bad) and came up with a 5-year management plan. They also looked at the town signs to make sure they are in compliance.

Tonight's presentation of what is accomplished and what they want to accomplish and financially how much it would cost for maintenance.

All regulatory signs were looked at and we can now compare with the Town Hall list for accuracy (speed limits, no parking, stop signs, etc.).

Mr. Anthony Garrow, BETA Group. PowerPoint presentation.

Purpose of Program is to maximize the life of infrastructure. You ideally want all roads to be on the high curve; once they get into a poor category, the cost will go up exponentially.

ESRI ArcMap/ArcReader – non-propriety system is user friendly.

Road Maintenance

Construction methods:

- Defer maintenance
- Routine maintenance
- Surface treatment
- Mill and overlay
- Reclamation

Scope of Work:

- Inventory of roadways
- Field inspection program
- Existing conditions summary
- Capital improvement planning
- System maintenance

Steps:

- Bourne Roadway Profile – almost 100 miles of road.
- Pavement inspection form - stresses in the roadway; critical information
- Sample Inspection Data
- General Rating by Mile – overall, Bourne scored 79 which is a good rating
- Breakdown by Repair Method – deferred maintenance is 22% in a position where roads are in good condition and do repairs related to the roads (sidewalks or drainage).
- Breakdown by Repair Method – approximately \$12.8M in today's dollars
- Repair Methods and Forecasting
- Chapter 90 Review - \$599,028 Allotment (every year may pay for crack sealing each year)
- RSR Forecast (5 Years)
- Summary of Planned Improvements – 5 Years: Estimated total 25.75 miles
- System Maintenance (update, monitor, re-inspect, add new roads and newly accepted roads)

DISCUSSION

TA Guerino – asked if take into consideration use of road as to where put in priority for repair. You are looking at number of vehicle road trips in conjunction road function and amount of traffic ancillary to help prioritize maintenance.

Meier – also record to make sure roads built right. This wasn't done, but can be done prior to maintenance. If any questions on depth of pavement, consider doing pavement testing depending of what the repair is.

Newly constructed road – within 5 years there will be some maintenance (crack sealing) to preserve another 3-5 years. This is a perfect situation and can manage.

Meier – to ensure the roads held up, the Planning Board (PB) held cash bonds of up to 3 years.

There are about 99 miles of publically owned roads and about 110 miles of private roads.

Chm. Ford – asked if roads from 1980 and on were build to code. Mr. Tellier said most newer subdivisions built within 15 - 20 years were built up to good standards that he has inspected.

TA Guerino – when repair and older road, a lot of the issues are drainage related which will bring the cost beyond the \$700,000 per year.

Mr. Tellier - there are some people who don't want the road taken by the town. The roads that are to be taken over would have to be brought up to the town's standards before the town taking.

TA Guerino – there was a Road Acceptance Committee (inactive now) who found roads looking to be put on the town acceptance which were the roads that needed the most serious amount of work.

Chm. Ford – new roads would be in the town's interest to take over.

Mr. Tellier – next steps: we are working on a 5-Year Plan and hope the town can adhere to. The other thing we may need to address is the sidewalks. Mass DOT is looking at "complete roads", which includes sidewalks and bike paths.

To maintain sidewalks, you have to maintain width and include ramps which control how to design sidewalks (ADA compliant).

Sign Inventory Program

- MUTCD Retro Requirements – Bourne in compliance which allows to replace signs not meeting requirements
- Field Data Collection
- Summary of Findings – 1,342 total signs
- Sign Replacement Plan Options (vendor purchased/vendor installed and vendor purchased/town installed)
- Next Steps (pavement and signs) – continue to analyze information, follow capital improvement plan as best as can

DISCUSSION

No board comments. No public comment.

Approval of Road Name for new subdivision – Tern Way

Holmes & McGrath, Inc. requesting subdivision at 526 Scraggy Neck Road.

Pickard MOVED and SECONDED by Meier to approve Road Name for new subdivision being Tern Way. VOTE 5-0.

Discussion regarding next steps for public works garage proposal. Mr. Andrews

TA Guerino – Ms. Marzelli worked with DOR and it was determined the town cannot set a tax rate if holding for a vote. Without the ability to set a tax rate, the town cannot function. The

town cannot move forward with this vote and recommends the board IP this article until the May 2013 local elections.

Meier – sends out a big thank you to all involved in the educating the public of the DPW facility for all the work to date.

Pickard MOVED and SECONDED by Zuern to Indefinitely Postpone the article on the Public Works facility. VOTE 5-0.

Zuern – was asked by the public if the building could be built for less. Mr. Andrews said the building is a basic building and have keep the costs in mind when came up with the estimates - there are fixed fees and regulations involved.

Pickard – if we can answer questions and do our best promoting the project, with more time, we have a better case.

TA Guerino – the temporary DPW rental trailers (11 years old) will need to be replaced.

Zuern – some people voted against via absentee ballot and didn't have all the information. TA Guerino said the wording on the ballot is required per statute.

Mr. Redman – education was the key; we advertised, posted legal notices and conducted Open Houses. He and Mr. Ahearn visited several DPW facilities in the surrounding communities and there isn't one that does the amount of work of our DPW. If the facility doesn't move, \$23M in revenue will be lost to the town.

Chm. Ford – the DPW has to move regardless.

Ms. Diana Barth – asked if a presentation at Town Meeting as it could be an education opportunity. TA Guerino said putting a brief presentation would make sense; suggests Mr. Redman or Mr. Andrews present at Town Meeting. The consensus of the board is for a brief presentation at Town Meeting.

Town Administrator's Report – Building use policy amendment

This is an opportunity of not having an open ended policy.

Amended - Page 2:

- Non-Bourne based NFP's shall be charged fees pursuant to above schedule.
- Local Not for Profits (501c3's) will be exempted from facility rental fees for up to two events per year inclusive of all buildings. Kitchen fees, if applicable will be assessed per the rates noted above.
- No fundraising activities shall be permitted in a municipally sponsored function unless previously approved by the Town Administrator

DISCUSSION

Baldwin – not all charities are 501c3. TA Guerino can take out and put "Registered Not For Profits."

Pickard – asked about Rotary Clubs. TA Guerino would consider them as local.

Meier – wants to make sure the Trustees are staffed through the budget with this building. TA Guerino said if the facility said is utilized on a Saturday, there is a flexible schedule for custodial accommodations - OT is not an issue. Only local and not for profits that get waived.

Chm. Ford – if the staff is not working, that is the reason for the fees. TA Guerino said these functions need to be scheduled in advance for planning.

Zuern – asked about changing the wording "501c3" in two places on the first page.

Meier MOVED and SECONDED by Zuern to approve the Building Use Policy Amendment per TA Guerino.

T

Mr. Mulvey – take into consideration the reason an organization is not for profit and it be pre-authorized with a true mission of what it is. TA Guerino said if registered with the Commonwealth, we don't want to be subjective. There is an application process.

VOTE 5-0.

TA Guerino will make changes and they will be implemented.

Budgets – due to TA Guerino 12/5/12 and will start meetings with Department Heads.

Selectmen's Report

a. Transportation Committee charge and terms of office

Chm. Ford – request was to put a change of member terms. Members will serve for one year ending 6/30.

Pickard MOVED and SECONDED by Meier to approve the Transportation Committee Charge and terms of office. VOTE 5-0.

Zuern – attended the ceremony at Henshaw Property; attended the Wareham Parade (BHS band was outstanding – Ford concurs and added Wareham would like to do something similar jointly with Bourne next year).

Pickard – attended meeting in Orleans with regard to Municipal Solid Waste. Ford asked who is paying for the maintenance of the \$30M building – the burden may be put on the towns and is something to keep an eye on.

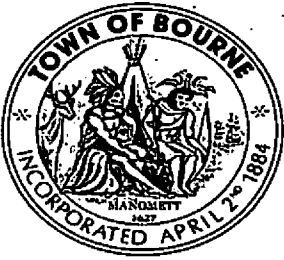
Meier – attended Henshaw Property ceremony; attended the Wareham Parade.

Chm. Ford – spent time with TA Guerino this week with regard to the DPW facility; reminded the public that tomorrow night is Town Meeting.

Adjournment

Pickard MOVED and SECONDED by Meier to adjourn. Meeting adjourned at 9:50 pm.

Respectfully submitted,
Lisa Groezinger, sec.



Board of Selectmen Meeting Notice

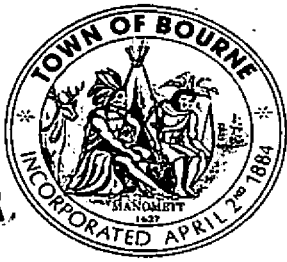


AGENDA

<u>Date</u>	<u>Time</u>	<u>Location</u>
Wednesday November 14, 2012	6:30 p.m.	Bourne High School Auditorium Stage Area 75 Waterhouse Road Bourne

1. Call Meeting to Order
2. The Board of Selectmen will meet in open session to participate, discuss, and vote on the Special Town Meeting each session until the conclusion.
3. Adjourn

2012 NOV 9 AM 8 45
TOWN CLERK'S OFFICE
BOURNE, MASS



**Board of Selectmen
Meeting Notice
AGENDA
6:30 p.m. - Sewer**



<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday November 27, 2012.	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: November 13, 2012
5. Correspondence

6. Shellfish Regulations

7. Annual Review of Residential Recycling Area – Regulations and Fees

8. Licenses/Appointments:

- a. Nolan LeRoy – Wastewater Advisory Committee
- b. T.J.'s Grill & Bar Violation – vote date of suspension
- c. 2013 License Renewals [liquor – food – entertainment]
- d. Class II Car Dealer – Atlantic Equipment LLC– Change of Corp
- e. Common Victualer License – Canal Creamery

9. Certification of Slum and Blight documentation for DHCD grant programs

10. Town Administrator's Report

- a. Establishment of a Town Administrator's Canal Celebration Committee
- b. Town Administrator Review

11. Selectmen's business:

- a. Joint Meetings with Finance Committee
- b. Support of the BOS for CIC grant applications
- c. Stormwater Bylaw Discussion

12. Adjourn

2012 NOV 21 PM 11 36
TOWN CLERK'S OFFICE
BOURNE, MASS.

Board of Selectmen
Minutes of November 27, 2012
Bourne Community Building
Bourne, MA 02532

2012 DEC 5 AM 11 46

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Chm. Ford, Vice-Chairman
Peter Meier, Clerk (excused)
Earl Baldwin
Linda Zuern

Meeting Called to Order

7:00 pm.

Moment of Silence for our Troops

Salute the Flag

Public Comment – Non-Agenda Items

None requested.

Approve Minutes: Regular Session of 11/13/12

Pickard MOVED and SECONDED by Baldwin to approve minutes of 11/13/12 as submitted.
VOTE 4-0.

Correspondence

Pickard read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Annual Review of Residential Recycling Area – Regulations and Fees

TA Guerino – Mr. Barrett had no changes, other than dates. He didn't see reason for Mr. Barrett to be here, but said if the BOS had any questions and they are not planning to sign the document, he could appear at the next meeting.

Shellfish Regulations – Tim Mullen

There are little change except the dates and is looking to remove a designation on two oyster beds in little bay.

Pickard MOVED and SECONDED by Zuern to approve 2013 Shellfish Regulations as presented by Mr. Mullen tonight. VOTE 4-0.

Pickard MOVED and SECONDED by Zuern to approve the 2013 Residential Recycling Area Regulations and Fees as presented by ISWM staff. VOTE 4-0.

Licenses/Appointments

a. Nolan LeRoy – Wastewater Advisory Committee

Pickard MOVED and SECONDED by Baldwin to appoint Mr. Nolan LeRoy to the Wastewater Advisory Committee for a term to expire 6/30/14. VOTE 4-0.

b. T.J.'s Grill & Bar Violation – vote date of suspension

Pickard MOVED and SECONDED by Baldwin to suspend T.J.'s Grill & Bar's license on 12/15/12 for one day. VOTE 4-0.

c. 2013 License Renewals (liquor, food, entertainment)

Chm. Ford – as point of interest, the Pocasset Golf Club is now open to the public for serving liquor.

CLUB – ALL ALCOHOLIC

Pickard MOVED and SECONDED by Baldwin to approve Aptucket Post #5988's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Buzzards Bay Eagles's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement, Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Marconi Club's Liquor license. VOTE 4-0. TA Guerino to check on the Common Victualer license.

Pickard MOVED and SECONDED by Baldwin to approve Monument Beach Sportsman's Club Inc.'s Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Otis Fish and Game Club, Inc.'s Liquor and Common Victualer. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Pocasset Golf Club's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Weary Travelers Club Inc.'s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

COMMON VICTUALER – ALL ALCOHOLIC

Pickard MOVED and SECONDED by Baldwin to approve The Brookside Club's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Buzzards Bay Tavern's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Courtyard Restaurant's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Cranberry's Restaurant and Pub The Bog's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Flynn's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Leo's Seafood Restaurant Inc.'s Liquor and Common Victualer licenses. VOTE 4-0.

The Lobster Trap Fish Market and Restaurant's Liquor and Common Victualer licensed were discussed but not voted. TA Guerino to check into their Weekday Amusement license.

Pickard MOVED and SECONDED by Baldwin to approve Lost Dog Canal Café's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Mezza Luna's Liquor, Common Victualer and Weekday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve The Parrot Bar & Grill's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Port O'Call Inc.'s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Sandy's Famous Seafood Restarant's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Stir Crazy's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve T.J.'s Bar & Grill LLC's Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Trading Post Lounge Inc.'s Liquor, Common Victualer, Weekday Amusement, Sunday Amusement and Operated Amusement Device licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Trowbridge Tavern & Ale House's Liquor, Common Victualer, Weekday Amusement and Sunday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Wayho Grill Inc.'s Liquor, Common Victualer and Weekday Amusement licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Wayho Restaurant's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Whaleback Restaurant's Liquor, Common Victualer, Weekday Amusement and Operated Amusement Device licenses. VOTE 4-0.

COMMON VICTUALER – WINE & MALT

Pickard MOVED and SECONDED by Baldwin to approve Buzzards Bay House of Pizza's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Golden Place Restaurant's Liquor and Common Victualer licenses. VOTE 4-0.

Pickard MOVED and SECONDED by Baldwin to approve Pizza by Evan's Liquor and Common Victualer licenses. VOTE 4-0.

GENERAL ON PREMISE – WINE & MALT

Pickard MOVED and SECONDED by Baldwin to approve Ryan Family Amusement's Liquor, Common Victualer, Sunday Amusement, Operated Amusement Device and General License licenses. VOTE 4-0.

PACKAGE STORE – ALL ALCOHOLIC

Pickard MOVED and SECONDED by Baldwin to approve Bourne Bridge Liquor, Grey Gable's Market, Liberty Warehouse Liquors, The Liquor Barn, Luke's Liquor 'N More, Portside Liquors Inc., One Stop Convenience Store, Sea Side Wine and Spirit and Ye Olde Spirit Shoppe Liquor licenses. VOTE 4-0.

TA Guerino – will review the common victualer license for the Marconi Club and the entertainment license for the Lobster trap for the next meeting.

d. Class II Car Dealer – Atlantic Equipment LLC – Change of Corp.

Pickard MOVED and SECONDED by Baldwin to approve Atlantic Equipment LLC, d/b/a Bobcat of Bourne for Change of License at 170 MacArthur Boulevard per routing slip. VOTE 4-0.

e. Common Victualer License – Canal Creamery

Pickard MOVED and SECONDED by Zuern to approve victualer license request for Canal Creamery at 89 Main Street, Buzzards Bay per routing slip (BOH serve save). VOTE 4-0.

Certification of Slum and Blight documentation for DHCD grant programs – Coreen Moore

Ms. Moore – we are looking to apply for the next grant to continue the Rehab Program and to apply for a Façade Sign Program for a total of \$900,000 to improve the front of buildings on Main Street.

Bourne meets two qualifications for this grant. The lower-to-moderate income for the Rehab Program and for the Commercial Rehab – 25 % of property is experiencing deterioration or decline in property value. A building inventory was done by the Barnstable Regional Building Inspector.

Chm. Ford – asked what the difference between blight and slum. Ms. Moore said blight is a state of decline, deterioration, need of maintenance, not abandoned nor decrepid. Slum is either abandoned or decrepit.

Ms. Moore needs the BOS approval and certification of blighted area to continue to apply for this grant.

Chm. Ford – people who apply for funds of \$50,000 – town sets conditions be buildings that are occupied or rented out; are there any places that are occupied and not hookup. TA Guerino doesn't believe so. Ford asked about one particular vacant buildings and will look into further. TA Guerino said it may be people not currently connected, but if start flowing water, they would be connected. Ms. Moore said this is short term and not a long term vacancy.

Ms. Moore – explained the loans are a 10-year deferred loan which is a \$50,000 maximum and no minimum; if the property stays occupied for 10 years you don't have to pay back and if the property is sold, you have to pay back. She is looking to include the signs also and is waiting DHCD approval. TA Guerino said this is not a financial pocket gain.

Chm. Ford – you have to have flood insurance; if you didn't have any, part of loan can be used for insurance.

TA Guerino – asked what happens if flood insurance isn't kept going and the façade work is done. Ms. Moore said it is a grey area with DHCD, but they only require one year of flood insurance.

TA Guerino – thanked Ms. Moore, the staff and contractors for the application work and hopes to continue the success rate.

Pickard MOVED and SECONDED by Baldwin to approve Certification of Slum and Blight documentation for DHCD grant programs as presented by the Town Planner 11/27/12.
VOTE 4-0.

Town Administrator's Report

a. Establishment of a Town Administrator's Canal Celebration Committee

Start as a town committee and recommended to work independently. Recently the town was approached through the Chair and would like to be a town-sponsored committee through the town. The BOS is provided with a proposed Charge to be considered which was reviewed by Town Counsel. The committee requested of TA Guerino to have members of appointed officials - pursuant to the Charter, members of the BOS are not able to serve. TA Guerino plans to have very little oversight and occasional updates through selectmen meetings.

Chm. Ford – TA Guerino will act in his best way for the committee. A member of the BOS could serve on the Steering Committee. The BOS needs to make motion to approve the committee Charge and TA Guerino to set up the Executive Order which establishes Bourne representatives and that town employees cannot vote to spend funds of 501c per Town Counsel.

Chm. Ford – this will be a TA committee and not a Selectmen's committee.

TA Guerino – the board has to look at the make-up of the committee; one of which shall be a member of the Bourne BOS and serve without compensation – for a guarantee.

Chm. Ford – the motion should include to authorize the committee with the changes of the Executive Order as discussed tonight, including one member shall be a member of the Bourne Board of Selectmen and that no town employee can vote to spend funds of a 501c.

Discussion and vote tabled to 12/4/12 BOS meeting.

b. Town Administrator Review

Pickard MOVED and SECONDED by Baldwin to approve, at the request of the Town Administrator, to waive the December 2012 evaluation and to review in May 2013 per the

Town Charter - *For clarification, Chm. Ford said this is only for this year; next December there will be a review.* - VOTE 4-0.

Budgets are due from Department Heads on 12/5/12 and they will be prepared to come before the BOS the last meeting in January.

Upper Cape Tech is playing in the Division 5 Super Bowl in Milton. If they are victorious, there will be a police escort from Route 25 to the Upper Cape Vocational Technical School property.

Selectmen's Report

a. Joint Meeting with Finance Committee

Chm. Ford – 2 members of the board cannot make Monday meetings. DVDs would be available for members who missed the joint meetings. Or we could go back with two separate presentations. The board concurs with viewing the DVD's for the joint meetings with the Finance Committee.

b. Support of the BOS for CIC grant applications

The Cape Cod Commission (CCC) is applying for a Regional Incentives grant. Bourne is not currently participating Regional Permitting System. We have our own license we are currently using and expecting to go live soon (12/17/12), but some areas that don't provide as thorough review as the license program. If we can't get this portion enhanced, maybe we can drop our current permitting by letting it expire and join with the Cape towns' permitting system. He asks the board support as most of towns on the Cape are on this system. This would be to gain information only; there is no downside with supporting the grant application.

Pickard – asked how much does the current permitting system cost for Bourne. TA Guerino said \$10,000. He was not sure of the cost with the County and will report back with information. He said you can purchase certain moduals, and not the whole program.

Pickard – suggests not do anything until the town's software "bugs" can be worked out. TA Guerino feels this is important to help support other communities as there were times we needed their support.

The consensus of the board is to wait until they get more information from TA Guerino.

Pickard – one page email from Deputy Director of the CCC. We invited Ms. Senatori to come in before the board for further information.

c. Stormwater Bylaw Discussion

Chm. Ford – the Task Force on Local Pollution has been working on the stormwater management problems and want to have the Governing Construction and Post-Construction Stormwater Management of New Developopments & Redevelopments addressed. Mr. Mulvey is a member of the Task Force on Local Pollution and has been trying to get this bylaw addressed

since last May. TA Guerino to request Dr. Costa or his staff (Bernie Taber) review the Draft Stormwater Bylaw and come before the board at a future meeting.

TA Guerino – this bylaw should have been reviewed and brought to the 2010 Town Meeting. This will be brought to the Bylaw Committee and May 2013 ATM. He concurs this needed to be addressed.

Chm. Ford – talked with Mr. Mulvey and Mr. Toomey and this does need some work. TA Guerino said there is 7 months for review and submission to the Bylaw Committee and at that point can be discussed and voted upon by the BOS, FinCom and Capital Outlay Committee.

Mr. James Mulvey – the formal name of the committee is the Phase II Stormwater Remediation Stormwater Run Off Committee. The major problem is with stormwater run off with estuaries – for commercial and residential. He suggested this proposed bylaw be reviewed by Buzzards Bay Project. Make a staff member a lead and the rest of staff for a yearly report. We need leadership and input from Department Heads.

TA Guerino – would like to see continued projects in the MMA dormitory parking lot with regard to run off water taken in. This should go forward and will move forward after being made cognizant of the issue.

Baldwin – commented on the handout of the Cape Cod Emergency Traffic Plan as far as access to the Bourne Bridge from Trowbridge Road, Sandwich Road or Veteran's Way which will be blocked. He explained some people will have to merge into a lot of traffic that will already have accumulated and wants people to be aware of this.

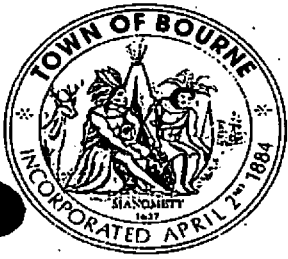
Pickard – asked people to think of the Food Pantry for donations. Fire Department Homeless for Holidays will be held on 12/16/12 at 223 Main Street and is also looking for food and toy donations. On 12/12/12 the Cranberries Restaurant will donate a percentage of food sales to the Food Pantry.

Ford – he attended a breakfast, Main street meeting and today the Trustee's meeting. He mentioned a notice from Ms. Moore of the Bourne Downtown Façade Workshop on 12/12/12 at Town Hall, lower level conference room.

Adjournment

Pickard MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 8:35 pm.

Respectfully submitted - Lisa Groezinger, sec.



**Board of Selectmen
Meeting Notice
AGENDA**



**Executive Session 6:30 – Legal matters
regarding contracts and personnel issues with proposed regional 3 18
911 system**

TOWN CLERK'S OFFICE
BOURNE, MASS

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday December 4, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: November 27, 2012

5. Correspondence

6. Barry Johnson – Disposition of 10 Aptucket Road. Declaration of as surplus property.

7. Licenses/Appointments:
 - a. 7:15 - Pole Hearing: Hill Street and Bell Buoy Road
 - b. Marconi Club – Common Victualer's License
 - c. Lobster Trap – Renewal Licenses
 - d. Clarify Date of TJ's Bar and Grille one day suspension to Friday
December 14, 2012

8. Declaration of surplus property.
Out of Code Self-contained Breathing Apparatus - Fire Department.

9. Town Administrator's Report
10. Selectmen's business:
Vacancies in Committees:
 - a. Transportation Advisory Committee Member at-large

11. Adjourn

Board of Selectmen
Minutes of December 4, 2012
Bourne Community Building

2012 DEC 21 AM 11 46 Bourne, MA 02532

TOWN CLERK'S OFFICE
TA Guerino BOURNE, MASS

Don Pickard, Chairman
John Chm. Ford, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Selectman Pickard MOVED and SECONDED by Selectman Baldwin to go into Executive Session at 6:30 pm to discuss legal matters regarding contracts and personnel issues with proposed Regional 911 System and to reconvene in open session. Roll call: Zuern – yes; Pickard – yes; Meier – yes; Baldwin – yes; Ford – yes.

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

Moment of Silence for our Troops/Salute the Flag

Public Comment – Non-Agenda Items
None requested.

Approval of Minutes – 11/27/12

Pickard MOVED and SECONDED by Zuern to approve regular meeting minutes of 11/27/12 as submitted. VOTE 4-0-1 (Meier abstained).

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

An e-mail from the Friends of Cranberry Hospice chose Bourne this year as recipients of a live holiday tree gift. TA Guerino said the tree was transplanted onto Town Hall grounds located by the pond and DNR Station at Town Hall. The tree will be decorated and thanked the Hospice for the donation.

Item A – Ford said the town should be more diligent in letting new applicants be aware of owners of property are not paying their taxes. TA Guerino said this is a heads up and applicant will be invited to come before the board at the 12/18 meeting for a waiver.

Barry Johnson – Disposition of 10 Aptucket Road. Declaration of as surplus property.

One of parcels was approved at Town Meeting in May 2012 to acquire. We have since acquired. Once acquired, said property is slated for demolition and doesn't believe there is a community use for said property. He is request the board declare property surplus under 30B Procurement Law. It has been the town's desire for the DPW to carry out the demolition. There will be a hiring of an entity for investigation of property prior to demolition. Chief Greene said his department may use as a small training exercise. Prior to demolition, anything that can be used by town departments will be salvaged.

Meier MOVED and SECONDED by Zuern that property at 10 Aptuxet Road be deemed as surplus property per Town Clerk's request. VOTE 5-0.

Mr. Johnson brought two documents before the board for signatures. This was already done for the County Commissioners and Clerk of Courts.

Licenses/Appointments:

a. 7:15 - Pole Hearing: Hill Street and Bell Buoy Road

Pickard MOVED and SECONDED by Meier to approve petition of NStar Electric to install three (3) pull boxes and two (2) cable and conduit locations on Hill Street and Bell Buoy Road in Bourne due to construction at 2 Hill Street . VOTE 5-0.

b. Marconi Club – Common Victualer's License

Pickard MOVED and SECONDED by Meier to approve Marconi Club at 7 Commonwealth Avenue, Sagamore request of Club License and Common Victualer licenses. VOTE 5-0.

c. Lobster Trap – Renewal Licenses

Pickard MOVED and SECONDED by Zuern to approve Lobster Trap at 290 Shore Road, Bourne request for Weekday and Sunday Entertainment and Year Round Common Victular licenses. VOTE 5-0.

d. Clarify Date of TJ's Bar and Grille one day suspension to Friday December 14, 2012

Date was voted incorrectly at the last meeting.

Pickard MOVED and SECONDED by Meier to enforce TJ's Bar and Grille's One Day Suspension for Friday, 12/14/12. VOTE 5-0.

Out of Code Self-contained Breathing Apparatus - Fire Department

An 11/26/12 e-mailed from Fire Chief Martin Greene regarding recent purchase through FEMA grant. He has said the breathing apparatus is old, out of date and has no value to his department or any other as it lacks up to date standards in personal protection.

Meier MOVED and SECONDED by Pickard to declare the Fire Department Out-of-Code Self-Contained Breathing Apparatus as being surplus property. VOTE 5-0.

Town Administrator's Report

Budgets are due tomorrow by Department Heads.

Chm. Ford – Governor Patrick discussed a \$450M shortfall in the State Fiscal Budget; he is requesting a 1% reduction to reduce Non-Executive Agencies. This was no surprise and the reason for being diligent in anticipating.

UCT - the school won the Division V football game this past weekend. Chief Greene and Chief Martin provided escorts from Route 25 up to the school. UCT Superintendent Dutch will be before the board to thank both Chiefs. The team will be invited before the board in January.

Selectmen's business:

Baldwin – Tree Lighting at 6:00 pm at Town Park tomorrow, 12/5/12.

Meier – Thanked Chief Martin and Chief Greene for the escort back to the town.

Zuern – attended Council on Aging Open at 6:30 pm. The Bourne Historical Society Victorian Train Ride. Tickets can be obtained from Diane Flynn at 508-759-6123 for \$15.

Ford – attended 100th Anniversary of the Steering Committee; commended the quick response of Chief Woodside with regard to the access to Taylor's Point and that everything has been resolved with the railroad, Fire Department and Police Department.

Vacancies in Committees:

Transportation Advisory Committee Member at-large

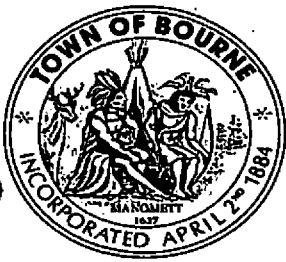
There is an opening on the committee due to a member passing. TA Guerino explained this is an important committee as there is a bond bill for transportation and issues in Bourne. He added that we are looking at local issues of traffic and signage by our safety personnel and DPW employees.

Zuern – asked the press to put vacancy into the newspaper.

Adjourn

Pickard MOVED and SECONDED by Zuern to adjourn. Meeting adjourned at 7:42 pm. UNANIMOUS VOTE.

Respectfully submitted, Lisa Groezinger – sec.



Board of Selectmen Meeting Notice AGENDA



<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday December 11, 2012	7:00 p.m.	Bourne Veterans' Memorial Community Center 239 Main Street, Buzzards Bay

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes:

5. Correspondence

6. BOND sale vote and sign – motion required.

7. Town Administrator's Report

- a. Vote regarding adoption of personnel policies (L. T. Thompson)

8. Selectmen's business:

- a. Vote on Centennial Celebration Committee charge
- b. Board to vote on hosting mandates seminar
- c. Holiday Schedule – Christmas Eve
- d. Selectmen's Schedule (Tentative)

Selectmen's Meetings: January 8, 29, February 5, 19, 2013

Workshop: January 22, 2013

Sewer Commissioners: January 29, February 19, 2013

9. Adjourn

2012 DEC 6 PM 11 34
TOWN CLERK'S OFFICE
BOURNE, MASS

Board of Selectmen
Minutes of December 11, 2012
Bourne Community Building
Bourne, MA 02532

2012 DEC 21 AM 11 16

TOWN CLERK'S OFFICE

TA Guerino BOURNE, MASS

John Chm. Ford, Chairman
Don Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Meeting Called to Order
7:00 pm.

Moment of Silence for our Troops/Salute the Flag

Public Comment – Non-Agenda Items
None.

Approve Minutes: Regular Session of 12/4/12
Pickard MOVED and SECONDED by Meier to approve minutes of 12/4/12 as amended.
VOTE 5-0.

Correspondence
Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Meier – discussed e-mail of a fallen tree in Pocasset which is being removed this week.

BOND sale vote and sign – motion required
Meier MOVED and SECONDED by Pickard
Voted: that the sale of the \$7,290,000 General Obligation Municipal Purpose Loan of 2012 Bonds of the Town dated 12/15/12 (the "Bonds"), to Janney Montgomery Scott LLC at the price of \$7,651,597.25 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on 12/15 of the years and in the principal amounts and bear investment at the respective rates as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$1,355,000	2.00%	2018	\$145,000	2.00%

2014	\$1,355,000	2.00%	2019	\$145,000	2.00%
2015	\$1,330,000	3.00%	2020	\$145,000	2.00%
2016	\$1,325,000	3.00%	2022	\$240,000	2.00%
2017	\$ 970,000	1.00%	2025	\$300,000	2.00%

Further Voted: that the Bonds maturing on 12/15/22 and 12/15/2025 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due 12/15/22

<u>Year</u>	<u>Amount</u>
2021	\$140,000
2022*	\$100,000

*Final Maturity

Term Bond due 12/15/2025

<u>Year</u>	<u>Amount</u>
2023	\$100,000
2024	\$100,000
2025*	\$100,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated 11/21/12 and a final Official Statement dated 12/5/12 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and delivery such certificates, receipts or other documents as may be determined by them, or

any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certified that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: December 11, 2012

VOTED 5-0.

Town Administrator's Report

a. Vote regarding adoption of personnel policies – Ms. Troy Thompson

Ms. Thompson to meet with Town Counsel relative to questions asked at the meeting the policies were discussed. Town Counsel has informed, as far as policy, that he doesn't rule if a policy is correct, but can attest that the content is that of the board's.

Ms. Thompson – sent the policy present with the town changes made in front of the board. There is the changing from Sexual Harassment/Harassment Policy and calling it "Discriminatory Harassment Policy".

TA Guerino – either alleged harassment or discriminatory, the obligation as a municipality is to follow up and do an investigation immediately.

Chm. Ford – this policy is to keep something from happening.

Zuern – concerned about harassment vs. inappropriate.

Chm Ford – requested the policy to be on a disc. Ms. Thompson to talk to TA Guerino on either a summary or policy on disc. Ford requested having employees sign documentation upon receipt of the disc.

TA Guerino – there is an HR portal access on the website in which each employee can get their contracts. Ms. Thompson said all Departments will have a hard copy.

Pickard MOVED and SECONDED by Baldwin to approve the Town of Bourne Personnel Policies as presented by the Human Resource Director. VOTE 5-0.

Pickard withdrew his previous motion.

Pickard MOVED and SECONDED by Meier to adopt the Town of Bourne Employees Policies and Procedures and the Town of Bourne Discriminatory Harassment Policy. VOTE 5-0.

TA Guerino – the new cable access company is interested in meeting with the board in a possible workshop setting to discuss the board's expectations. The board will use 2/26/13 for the date.

Selectmen's Report

a. Vote on Centennial Celebration Committee charge

Baldwin MOVED and SECONDED by Pickard to endorse the Centennial Celebration Committee charge as presented. VOTE 5-0.

Chm. Ford – requested making up slips for members on the committee.

b. Board to vote on hosting mandates seminar

TA Guerino – a lot of mandates from the Commonwealth are not funded (pick up costs for more things or undertake more), and should try to put together a session for Bourne or with neighboring communities, legislation at the State level, Delegates and Division Local Mandates at the Commonwealth level and various State agencies. He is brining before the board to see if they want to move forward and wants thoughts of the board.

Zuern – she would like to see this local moving forward and encouraged the board to send by email any ideas.

Chm. Ford – the board to sign clean copy on the 1/22/13 meeting.

TA Guerino – 12/18/12 is last meeting of the year and would like to ask Representative Giffords to come before the board to thank her for support for the Town of Bourne and the community.

Chm. Ford – 12/18/12 the UCT and the Superintendent will be in before the board relative to their Super Bowl win. Meier added that he plans mid-January to invite State and Federal Delegates and public speaker for the UCT. Chm. Ford added a citation to honor the UCT for their second year in football.

c. Holiday Schedule – Christmas Eve

Ford MOVED and SECONDED by Meier that Town Hall be closed, a half day for all non-public safety employees and those required to work, who are entitled to 4 hours, to be used prior to 6/30/13. VOTE 5-0.

d. Selectmen's Schedule – tentative

Selectmen's Meetings:

1/8/13

1/29/13

2/5/13

2/19/13

Workshops

1/22/13

Sewer Commissioners:

1/29/13

2/19/13

Zuern – requested the mandates in on 1/22/13 for the workshop. TA Guerino to see when folks are available.

Pickard MOVED and SECONDED by Meier to approve the Selectmen's Schedule as presented. VOTE 5-0.

Zuern – commented and thanked all who participated and were involved in the Christmas in Bourne activities.

Pickard – asked people to think of the Food Pantry this holiday season.

Meier – recognized the Fire Department's Homeless for the Holidays event. He's received several emails about the expansion of the MMA of concerns of losing houses if the academy needs the land. He suggested inviting the Admiral in before the board for discussion of said concerns. Chm. Ford said the MMA increases the town's economy and that the Admiral would be more than happy to discuss with whoever wanted to ask questions.

Chm. Ford – attended the Lighting of the Park and the Victorian Christmas Train Ride.

TA Guerino – thanked the DPW for their efforts with the holiday decorating of the village.

Adjournment

Pickard MOVED and SECONDED by Zuern to adjourn. Meeting adjourned at 7:45 pm.

Respectfully submitted - Lisa Groezinger, sec.

2012 DEC 21 AM 11 46 Minutes of December 11, 2012

Board of Selectmen

Bourne Community Building

TOWN CLERK'S OFFICE

Bourne, MA 02532

.....BOURNE, MASS.....

TA Guerino

- John Chm. Ford, Chairman
- Don Pickard, Vice-Chairman
- Peter Meier, Clerk
- Earl Baldwin
- Linda Zuern

Meeting Called to Order

7:00 pm.

Moment of Silence for our Troops/Salute the Flag

Public Comment – Non-Agenda Items

None.

Approve Minutes: Regular Session of 12/4/12

Pickard MOVED and SECONDED by Meier to approve minutes of 12/4/12 as amended.
VOTE 5-0.

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

Meier – discussed e-mail of a fallen tree in Pocasset which is being removed this week.

BOND sale vote and sign – motion required

Meier MOVED and SECONDED by Pickard

Voted: that the sale of the \$7,290,000 General Obligation Municipal Purpose Loan of 2012 Bonds of the Town dated 12/15/12 (the "Bonds"), to Janney Montgomery Scott LLC at the price of \$7,651,597.25 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on 12/15 of the years and in the principal amounts and bear investment at the respective rates as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$1,355,000	2.00%	2018	\$145,000	2.00%

2014	\$1,355,000	2.00%	2019	\$145,000	2.00%
2015	\$1,330,000	3.00%	2020	\$145,000	2.00%
2016	\$1,325,000	3.00%	2022	\$240,000	2.00%
2017	\$ 970,000	1.00%	2025	\$300,000	2.00%

Further Voted: that the Bonds maturing on 12/15/22 and 12/15/2025 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due 12/15/22

<u>Year</u>	<u>Amount</u>
2021	\$140,000
2022*	\$100,000

*Final Maturity

Term Bond due 12/15/2025

<u>Year</u>	<u>Amount</u>
2023	\$100,000
2024	\$100,000
2025*	\$100,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated 11/21/12 and a final Official Statement dated 12/5/12 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and delivery such certificates, receipts or other documents as may be determined by them, or

any of them; to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certified that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: December 11, 2012

VOTED 5-0.

Town Administrator's Report

a. Vote regarding adoption of personnel policies – Ms. Troy Thompson

Ms. Thompson to meet with Town Counsel relative to questions asked at the meeting the policies were discussed. Town Counsel has informed, as far as policy, that he doesn't rule if a policy is correct, but can attest that the content is that of the board's.

Ms. Thompson – sent the policy present with the town changes made in front of the board. There is the changing from Sexual Harassment/Harassment Policy and calling it "Discriminatory Harassment Policy".

TA Guerino – either alleged harassment or discriminatory, the obligation as a municipality is to follow up and do an investigation immediately.

Chm. Ford – this policy is to keep something from happening.

Zuern – concerned about harassment vs. inappropriate.

Chm Ford – requested the policy to be on a disc. Ms. Thompson to talk to TA Guerino on either a summary or policy on disc. Ford requested having employees sign documentation upon receipt of the disc.

TA Guerino – there is an HR portal access on the website in which each employee can get their contracts. Ms. Thompson said all Departments will have a hard copy.

Pickard MOVED and SECONDED by Baldwin to approve the Town of Bourne Personnel Policies as presented by the Human Resource Director. VOTE 5-0.

Pickard withdrew his previous motion.

Pickard MOVED and SECONDED by Meier to adopt the Town of Bourne Employees Policies and Procedures and the Town of Bourne Discriminatory Harassment Policy. VOTE 5-0.

TA Guerino – the new cable access company is interested in meeting with the board in a possible workshop setting to discuss the board's expectations. The board will use 2/26/13 for the date.

Selectmen's Report

a. Vote on Centennial Celebration Committee charge

Baldwin MOVED and SECONDED by Pickard to endorse the Centennial Celebration Committee charge as presented. VOTE 5-0.

Chm. Ford – requested making up slips for members on the committee.

b. Board to vote on hosting mandates seminar

TA Guerino – a lot of mandates from the Commonwealth are not funded (pick up costs for more things or undertake more), and should try to put together a session for Bourne or with neighboring communities, legislation at the State level, Delegates and Division Local Mandates at the Commonwealth level and various State agencies. He is bringing before the board to see if they want to move forward and wants thoughts of the board.

Zuern – she would like to see this local moving forward and encouraged the board to send by email any ideas.

Chm. Ford – the board to sign clean copy on the 1/22/13 meeting.

TA Guerino – 12/18/12 is last meeting of the year and would like to ask Representative Giffords to come before the board to thank her for support for the Town of Bourne and the community.

Chm. Ford – 12/18/12 the UCT and the Superintendent will be in before the board relative to their Super Bowl win. Meier added that he plans mid-January to invite State and Federal Delegates and public speaker for the UCT. Chm. Ford added a citation to honor the UCT for their second year in football.

c. Holiday Schedule – Christmas Eve

Ford MOVED and SECONDED by Meier that Town Hall be closed, a half day for all non-public safety employees and those required to work, who are entitled to 4 hours, to be used prior to 6/30/13. VOTE 5-0.

d. Selectmen's Schedule – tentative

Selectmen's Meetings:

1/8/13

1/29/13

2/5/13

2/19/13

Workshops

1/22/13

Sewer Commissioners:

1/29/13

2/19/13

Zuern – requested the mandates in on 1/22/13 for the workshop. TA Guerino to see when folks are available.

Pickard MOVED and SECONDED by Meier to approve the Selectmen's Schedule as presented. VOTE 5-0.

Zuern – commented and thanked all who participated and were involved in the Christmas in Bourne activities.

Pickard – asked people to think of the Food Pantry this holiday season.

Meier – recognized the Fire Department's Homeless for the Holidays event. He's received several emails about the expansion of the MMA of concerns of losing houses if the academy needs the land. He suggested inviting the Admiral in before the board for discussion of said concerns. Chm. Ford said the MMA increases the town's economy and that the Admiral would be more than happy to discuss with whoever wanted to ask questions.

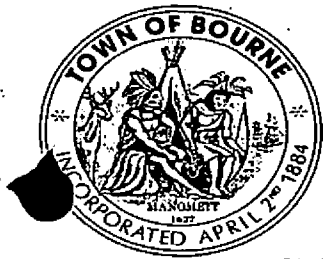
Chm. Ford – attended the Lighting of the Park and the Victorian Christmas Train Ride.

TA Guerino – thanked the DPW for their efforts with the holiday decorating of the village.

Adjournment

Pickard MOVED and SECONDED by Zuern to adjourn. Meeting adjourned at 7:45 pm.

Respectfully submitted - Lisa Groezinger, sec.



Board of Selectmen Meeting Notice AGENDA



2012 DEC 14 PM 3 03

Date TOWN CLERK'S OFFICE
Tuesday BOURNE, MASS 7:00 p.m.
December 18, 2012

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

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

7:00 – 7:15 (Items 1-5) Call to order

1. Moment of Silence for our Troops
2. Salute the Flag
3. Public Comment – Non-Agenda Items
4. Minutes: 12.11.12
5. Correspondence
6. Upper Cape Tech – Super Bowl Champs - Superintendent Dutch
7. 7:15 Joint Meeting with Planning Board to fill vacancy
8. "Falmouth Want a Y" - Serena Lo Piccolo-Smith – 30 minutes
9. Licenses/Appointments:
 - a. License Renewals – Food – Entertainment – Lodging - Auto Dealers
– Junk Yard – Taxi – Public Livery
 - b. Try Auto Group – Class II Auto Dealer
 - c. Robert Gowen – waiver
 - d. Pledge of License Beecy, Inc.
10. Town Administrator's Report
11. Selectmen's business:
 - a. Vote to sell or convey 1999 Ecovan to Bourne Community TV
 - b. Letter regarding Thanking Employees
 - c. MMA – Discuss Mr. Meier's request

12. Adjourn

**Board of Selectmen
Minutes of December 18, 2012
Bourne Community Building
Bourne, MA 02532**

2013 MAR 1 PM 1 27

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

John Ford, Chairman
Donald Pickard, Vice-Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Meeting Called to Order
7:00 pm.

Community of Newtown, CT

TA Guerino, on behalf of the Town of Bourne, sends condolences to the Town of Newtown, Connecticut – its officials, the community and the families. The First Selectman in Newtown was presented with set of circumstances and he commended her job on behalf of the citizens. He also thanked Lily-Belle's Florals for the ribbons she put together with no cost.

Moment of Silence for our Troops/Salute the Flag

Public Comment – Non-Agenda Items

None noted.

Citation was read and presented by Zuern to Representative Susan Williams Gifford on behalf of the board and the community. The board thanked Ms. Gifford for her work for the town and will continue to contact her with issues that come up in the future.

Approve Minutes: Regular Session of 12/11/12

Pickard MOVED and SECONDED by Meier to approve minutes of 12/11/12 as submitted.
VOTE 5-0.

Correspondence

Meier read correspondence into record. Hard copies are available at the Town Administrator's office upon request.

TA Guerino – candidates for the Transportation Advisory Committee will be in before the board at their 1/8/13 meeting. In addition, Mr. William Grant will be in relative to the Consortium.

Upper Cape Tech – Super Bowl Champs – Superintendent Dutch

Citation read and presented by Pickard to the UCT football team and coaches for winning the 2012 Super Bowl on behalf of the board and the community. Superintendent Dutch introduced the head and assistant coaches and the team captains (one of which was not able to attend tonight).

Superintendent Dutch thanked the Selectmen, Fire and Police Departments for their support, and the escort ride home. He also said the school is looking at long range planning for all the five communities to provide opportunities for students to stay in the community. The board congratulated the team. Meier informed the group that he will invite them back in after Christmas break for further recognition.

Joint Meeting with Planning Board to fill vacancy

TA Guerino informed the board there was no Planning Board (PB) quorum of five and requested through their administrator, to attend the PB meeting of 1/10/13. Chm. Ford asked for the first opportunity of a PB quorum to put on them on the Selectmen agenda. TA will convey back.

“Falmouth Wants a Y” – Serena Lo Piccolo-Smith

Group of volunteers working to bring the Y to the Upper Cape. Ms. Piccolo-Smith introduced her group. There are currently 50 active volunteers and over 300 supporters. The Falmouth Y would benefit the towns of Mashpee, Sandwich and Bourne. They are here tonight to raise community efforts and give information about the YMCA.

Brief summary of the YMCA; how it began, what it provides and how it continues to serve communities. The Y strengthens the foundation of the community through development, healthy living and social responsibility. The presentation has been made to the Chamber of Commerce, Mashpee and Falmouth.

Ms. Blackburn, one of the volunteers, briefly discussed her personal experiences with the Y.

Chm. Ford – asked about fundraising. There are four areas – annual campaign, capital projects (facilities), endowment (long-term planning) and grants (Federal, State, local and private).

Zuern – asked if the YMCA is associated with the YWCA. It is a different organization which supports battered women only. The group is in the process of a Needs Study and will share the information sometime in January once they finish their research.

Pickard – asked about the timeframe of the eight phases. It depends on the community support. The Martha’s Vineyard YMCA took 15 years to get open for example, but said some of the YMCAs have fallen into opportunities quickly.

Meier – shared his own personal, positive experience with his daughter and the Y.

Baldwin – would like to see the Needs Study.

Chm. Ford – shared his personal experience with the Y and would like to see the Y come to Cape Cod. There is a need for the older population as well as the younger population.

No official vote is necessary tonight, as the group is here for informational purposes.

TA Guerino – shared his personal experience with the Y. He asked if there is any thought of coordinating programs between the three different Ys (Barnstable, Wareham and the Falmouth). YMCAs have service areas and do talk with each other.

Meier – suggested the group talk with the Cape Cod Commission to help with making programs affordable.

Five minute recess moved by Pickard and seconded by Meier. Unanimous vote.

Licenses/Appointments

- a. **License Renewals – Food – Entertainment – Lodging – Auto Dealers – Junk Yard – Taxi – Public Livery**

Stamped with the board's signature.

Pickard MOVED and SECONDED by Meier to approve Common Victualer licenses for: American Lobster Mart, Beach Plum Bakery, Canal Creamery, Chen's Kitchen, Inc., Clammy's Pantry, Corner Café, The Daily Brew, Dunkin Donuts (five locations at: 24 Meeting House Lane, 278 Main Street, 174 Clay Pond Road, 688 MacArthur Boulevard, 343 Scenic Highway), East Wind Lobster, Friendly's Ice Cream Corp #743, Ginny's Restaurant, Graziella's Pizza & Seafood, Hacienda, Hoagies Diner, Hollyberry's, International House of Pancakes, Krua Thai, Market Basket, McDonalds (two locations: 15 Meeting House Lane and 370 MacArthur Boulevard), Monument Beach Pizza, Mr. G's Pizza & Ice Cream LLC, Nick's Pizza, Prime Time House of Pizza, Sam's Snack Bar, Cream, Starbucks Coffee, Subway (two locations: 282 Main Street and 626 MacArthur Boulevard), Super Sub Deli and Sweet Caroline's Café LLC. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Lodging license for Noah's Ark. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Weekday Amusement licenses for: Knights of Columbus and Sweet Caroline's Café LLC. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Sunday Amusement license for Sweet Caroline's Café LLC. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Auto Dealers – Class I licenses for: Atlantic Subaru, Battles Buick GMC, Cape Cod Harley-Davidson/GZ Riders, Inc., Falmouth Toyota Scion, New England RV & Marine, Inc. and Nissan of Bourne. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Auto Dealers – Class II licenses for: Auto Marine Industries, Bay Motors, Buzzards Bay Garage, Canal Auto, Cape Cod Restorations, Inc., Cataumet Auto Sales, Inc., Coastal Motors and Equipment, Diamond Motors, Falmouth Motorcar, Inc., Kent Auto, Madmikes Used Car Sales, Miracle Auto Sales, Ocean Enterprises, LLC, Southeast Truck Center, Inc., T Wheels and Towers Used Cars. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Auto Dealers – Class III – Junk Yard license for Knowlton's Garage, Inc. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Tax license for Bourne Taxi [two vehicles]. VOTE 5-0.

Pickard MOVED and SECONDED by Meier to approve Public Livery licenses for: Any Occasion Limousine [three vehicles], Bourne Taxi, Fantasy Limousine Services, Inc. [three vehicles], Green Shuttle of Cape Cod [four vehicles] and Road Runner. VOTE 5-0.

b. Try Auto Group – Class II Auto Dealer

Pickard MOVED and SECONDED by Meier to approve Try Auto Group at 10 Millennium Drive – Unit One – Cataumet request for Class II Auto Dealer. VOTE 5-0.

c. Robert Gowen – waiver

Chm. Ford - Mr. Gowen has already paid \$560 in fees to the town to obtain permit and was unaware of taxes owed by the owners.

TA Guerino – issues that put the prior owner of the business (underground fuel), but there is a mitigation issue to open the business there. Mr. Gowen has paid his fees and said there will not be a rental.

Mr. Gowen – briefly discussed his thoughts of starting a hot dog stand.

Pickard – asked should Mr. Gowen be denied tonight, could the Planning Board vote put the fees toward another location. Meier said it would be up to the Planning Board.

Mr. James Mulvey – if the business is linked to the property and property is sold, what would happen to the permit. TA Guerino said the permit is only to run the business. If a new owner came in and chose vendor not to be there, there is no lease between the town and the lender.

Meier – asked if the town can create a municipal lien on the property. TA Guerino said due to litigation of this property (not in tax title) and other properties, it may be discussed under Executive Session and not in public session.

Chm. Ford – doesn't see any incentive for the owner to pay his taxes and would be opposed to the waiver.

Meier – would like to see a system set up so another person is not put in this position.

TA Guerino – the Office Administrative Coordinator was clear that one should be careful going before the Planning Board before the routing slip comes back.

Chm. Ford – feels Town Counsel should look into a similar property that he discussed with TA Guerino (other property was personal property taxes). He sees this property tonight as being similar.

Zuern MOVED and SECONDED by Meier to approve Robert Gowen's request of a waiver for a special permit to sell hot dogs at 1025 Sandwich Road, Sagamore. VOTE 2-3 (Pickard, Ford and Baldwin oppose). Vote does not carry.

d. Pledge of License Beecy, Inc.

Pickard MOVED and SECONDED by Meier to approve Pledge of Liquor License request of Beecy, Inc. at 310 Main Street, Buzzards Bay per routing slip. VOTE 5-0.

Town Administrator's Report

Wished Happy Holidays to the board and behalf of the town employees appreciate the morning off of Christmas Eve.

Selectmen's Business

a. Vote to sell or convey 1999 Ecovan to Bourne Community TV

Meier MOVED and SECONDED by Pickard to approve to sell or convey 1999 Ecovan to the Bourne Community TV for \$1. VOTE 5-0.

b. Letter regarding Thanking Employees

Meier – sent a holiday letter to thank employees. Pickard would like the board to give TA Guerino the authority to thank employees through either letter or email on behalf of the Selectmen. The consensus of the board was favorable.

c. MMA – Discuss Mr. Meier's request

Chm. Ford – the Admiral coming before the board on the MMA in the future for the public. He didn't think it was necessary but put on the agenda for discussion. The consensus of the board is that the Admiral has a five year plan and it is on their website.

Meier – the college has a positive image on the town, but as far as expansion projects, growth is a discussion we need to have at one point. TA Guerino said the public institutions comment is something that may be brought forward in a broader discussion. The issue of taking homes off the Point, is not in the five-year plan or anything the Admiral has conveyed to anyone. Meier's

points are well taken, but TA Guerino states the board should engage in a broader discussion of long-term planning in a forum setting.

Chm. Ford – asked Meier to direct the letter writer prompting discussion to go to the MMA's website. He added if the EPA could get expansion plans from entities to clean the water up and grandfather them for discharge to the water would help communities to develop a wastewater plant. This is not in the MMA's plans.

Mr. James Mulvey – with MMA's growing enrollment, the concern is the land taken by eminent domain and the other issue is parking.

Zuern – appreciated the appreciativeness of town employees with regard to the closing of Town Hall on Christmas Eve. TA Guerino will let employees know.

Pickard – attended the Transit Graduation at Faneuil Hall. He was notified by Kevin Murphy that the town of Falmouth agreed in principle to bring solid waste 12,000 tons/year to Bourne in 2015 when contract with Covanta expires. It was an amicable discussion.

The board wishes the community Happy Holidays.

Adjournment

Pickard MOVED and SECONDED by Baldwin to adjourn. Meeting adjourned at 9:00 pm.

Respectfully submitted - Lisa Groezinger, sec.

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION**

and

**PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 JAN 5 PM 3 06

TOWN CLERK'S OFFICE MEETING NOTICE

BOURNE, MASS

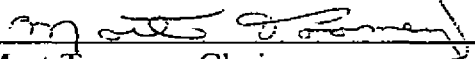
Location: Bourne Town Hall - Upper Conference Room
- 24 Perry Avenue, Buzzards Bay

Date: Monday, January 9, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on December 12, 2011
- 2) Discussion on the status of the recent award of the Buzzards Bay Watershed Mini Grant to the Town of Bourne
- 3) Discuss making a list of all ocean outfall pipes and catch basins in Bourne
- 4) Discuss N.P.D.E.S. PH Small MS-4 General Permit
- 5) Discuss Recruitment of new members
- 6) Discuss future agenda items
- 7) Date of next meeting
- 8) Adjourn


Mort Toomey, Chairman
Date: December 6, 2011

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

2012 JAN

TOWN CLERK
BOURNE

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
AND
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 FEB 17 PM 2 12
TOWN CLERK'S OFFICE
BOURNE, MASS

Minutes of January 9, 2012 meeting

Called to order by Chairman Mort Toomey at 7:08 p.m.

Members present: Jim Mulvey, Stewart Bell, Mort Toomey, Leslie Perry, and Elaine Graybill.

1. Bell moved to accept the minutes of the December 12, 2011 meeting. Perry seconded; unanimously approved.
2. Toomey reported on the status of the Buzzards Bay Watershed Mini Grant to the Town of Bourne. The town's second meeting was not held because of the holidays. At 10 a.m. tomorrow a joint meeting of Corps of Engineers and Buzzards Bay Project and town staff and committee representatives will meet at the former Beachmoor Restaurant at the site of the grant project.
3. Toomey went to DPW and obtained the three maps of the stormwater drainage structures in Bourne including catch basins, outfalls and all other structures. He will have these maps printed for all committee members by the next meeting.

Bell noted that outflow pipes that aren't the town's, but rather state or federal, don't appear on the map, for example the outflow pipe into the Canal running from St. Margaret's Ave. We will continue the approach passed at the December meeting to first address the outfall pipes going into a bay.

Mulvey moves and Bell seconds that "outfall pipes" refers to discharge into either marine or fresh water. Unanimously approved.

What we will do: Mulvey moved and Graybill seconded that it would be an advantage for members to have these maps and we authorize the chairman to research obtaining maps for all members. We will add the structures we know about to these maps that weren't included for some reason, either through error or because of their state or federal status.

Toomey will research who has the list with all the numbers of the catch basins and their locations. He will find out if outfalls are numbered as well.

4. RE: the NPDES PII MS4 General Permit Annual Report. We discussed it and will put it on a future agenda for further discussion.

In a related matter, Mulvey briefed the committee on the Estuaries Project, which he described as starting to come back to life because of pressure to sewer the Cape, which relates to that study. In Bourne, the study of Phinney's Harbor was completed before funding dried up. Mulvey distributed an October 15, 2004 memo from then Town Administrator William R. Griffin to the Local Pollution Task Force about the estuaries project funding, detailing costs of the five Bourne project areas, which are: Back River—Eel Pond; Pocasset Harbor—Red Brook Harbor; Megansett Squeteague; the Pocasset River, and Phinney's Harbor. A copy of that memo is attached to these minutes.

5. New member possibilities. We discussed the ongoing effort to recruit two more members. Perry brought up the town Web site as a place to recruit new members because newspaper readership is down. We also discussed going to local newspapers again.

6. Topics were suggested for the agenda of the next meeting.

- a. Discussion of the NPDES PII MS4 General Permit Annual Report
- b. Update on Conservation Pond at Circuit Ave. and Island Drive re: the grant that replaced the culvert
- c. Protocol usage; define process.
- d. Work on the maps of outfall pipes.
- e. Look at shellfish closures in Bourne.

7. The next meeting was set for 7 p.m. February 13, 2012 at Town Hall.

8. Perry moved and Bell seconded that we adjourn. Unanimously approved. Toomey adjourned the meeting at 8:42 p.m.

Respectfully submitted by

Elaine Cook Graybill
Secretary

Mulvaney

Dec. 8 51 Cap Expn
Dec 3 Fri 9:30 Samery + Griffin
Rec 10-21?

Town Administrator

Memorandum

Clean Waters
PL556 Watershed Prog
303 D

To: Local Pollution Task Force
From: William R. Griffin, Town Administrator
Date: October 15, 2004
Re: Estuaries Project Funding

* This before Pollutak Force
last time meeting Nov 1 - 04

Members have copy
Cap Expn Comm have copies on 11-04

The purpose of this memorandum is to request an opportunity to meet with a couple of members of the Local Pollution Task Force to strategize on how funding should be sought to fulfill the Town's funding requirements for the Estuaries Project. According to the information supplied by UMass-Dartmouth, we need to raise a total of \$191,000 as the town's share of the Red Brook Harbor, Squeteague, Phinney's Harbor and Pocasset River estuaries studies. That can be done in a phased fashion, but it appears we will need to seek at least some of the funding in this year's Capital Improvement Program.

Would a couple of members be available to meet with me on Monday, October 25, 2004 at 3:30 PM? I look forward to hearing from you.

Meeting
35
meeting
last info
meeting of
committee
Nov 1 04
copy to
members

Ernest
cost - meeting
Pie
David
wise PCs
Whig Home Sat
11:59 AM

Howes OCT 4
at last PTF meeting 90 mentioned
- 50% State CC 20% ~~shared~~
- 70% shared by ~~indirect~~ Towns
funded over yrs

12.6 mil?
accountability

Fal Amy Lowell - Wortwater
Hearwick 360K Sampson
Sandwich 250K
CRATERS 600K

Prev work done by Coalition BB Proj CC Commis
Prev only info input needed & asked for
* Take 1 small proj not whole list
- 303 D impact clean list
- Fed Clean Waters Act
- Comm wants Project to come to meeting task force
* How figure developed
12.6 mil flow through
recent studies CBB CCC BBP Tide flow dont change
* who does work & gets paid - How figures developed

How many towns
STATUS

Why Cap Expn +
method of pay out

Drum
Corkham 12-3-04
Muller
Marsella
Giffen
Town of Bourne

start
Report

over run
out of state

Buy watch
Red Brook Hatch?

Red Brook
Phinney

6 year

Estuaries Project: Assessment, Synthesis, Modeling & Recommendations
Revised: March 12, 2004
These are "not to exceed" cost estimates and may be reduced based upon existing review.

DEP/BWM

#1

2?

Town of Bourne Estuaries: Total Project Cost (Town + Matching Funds)

ID	Description	Back River- Eel Pond	Pocasset Hbr - Red Brook Hbr	Megansett Squeteague	Phinneys Harbor	Pocasset River
		In Progress	In Progress	Plan-2005	Plan-2005	Plan-2005
Task 1	Compilation and review report on previous studies/data ?*	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
Task 2	Cummulative Nitrogen Loading Determination ?	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Task 3	Stream/River Transport from watershed to estuaries Gauging and nutrient sampling 6 streams, 14-16 months	\$12,000	\$12,000	\$12,000	\$0	\$12,000
Task 4	Nitrogen recycling within the receiving estuaries (Sediment N Regeneration Coring)	\$16,000	\$24,000	\$24,000	\$16,000	\$12,000
Task 5	Assessment of nutrient related health Infaunal Animal Survey Eelgrass/Macroalgal Survey & Historical Reconstruction - ? D.O. Moorings	\$10,500	\$14,000	\$14,000	\$8,000	\$8,000
Task 6	Hydrodynamic field data collection and modeling ?* Bathymetry Stage data, moorings Velocity data (validation) Hydrodynamic models CC & Woods Hole GRP	\$30,000	\$40,000	\$35,000	\$15,000	\$15,000
Task 7	Water Quality Models & Senario Runs G for BB Coalition	\$20,000	\$25,000	\$25,000	\$15,000	\$20,000
Task 8	Nitrogen Loading, Ecological Health, Management Report C for BB Coalition	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
	Town Total Funds Currently Required = ?*	\$0	\$63,250	\$54,750	\$32,750	\$40,250
	Town Funds Currently Committed = ?*	\$50,000	\$0	\$0	\$0	\$0
	Match Credited to Town of Bourne from other sources =	\$10,000	\$10,000	\$10,000	\$10,000	\$8,000
	Funds Matched to Town from DEP for Estuaries Project =	\$60,000	\$73,250	\$64,750	\$42,750	\$49,250
	Total Estuaries Project Funds to Complete Analysis =	\$120,000	\$146,500	\$141,500	\$85,500	\$88,600
	% non-Town Funds (match to Town) =	58%	57%	53%	62%	59%
Task 9	Meetings, Outreach Tools * ?	Done To be determined			Done	

By

EEL grass state survey?

Done

CB Bay

9

Total Request 191,000
Do 1 year at a time
63,300 for 06 Red Brook ect.

Tot Request * 63,300
191,000

How figures developed ?

Chapman, Wendy

From: Elaine Graybill [elaine@cro-magnon.com]
Sent: Friday, February 17, 2012 12:23 PM
To: Chapman, Wendy
Cc: Judge, Debbie; Mort Toomey; Stewart Bell; Leslie Perry
Subject: Local Pollution Task Force complete 1-9-12 minutes including 2004 memo--three files
Attachments: Local Pollution Minutes 1-9-12 corrected.docx; October 2004 Memorandum page 1.pdf; October 2004 Memorandum page 2.pdf

Hello,

Attached you will find three files, comprising the 1-9-12 minutes of the Selectmen's Local Pollution Task force and a memorandum that goes with the minutes.

Sincerely,

Elaine Cook Graybill

Secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

MEETING NOTICE

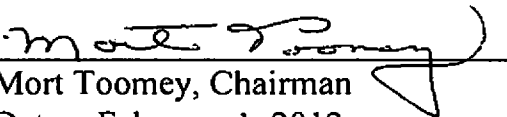
Location: Bourne Town Hall - Upper Conference Room
24 Perry Avenue, Buzzards Bay

Date: Monday, February 13, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on January 9, 2012
- 2) Discussion on the status of the of the Buzzards Bay Watershed Mini Grant
- 3) Discussion of maps of the Town of Bourne Stormwater drainage structures with G.I.S. Data including outfalls and flows distributed to each member by Mr. Toomey
- 4) Discuss N.P.D.E.S. PH Small MS-4 General Permit Annual Report
- 5) Review shellfish closures in Bourne
- 6) Update of Conservation Pond at Circuit Avenue and Island Drive
- 7) Discuss future agenda items
- 8) Date of next meeting
- 9) Adjourn


Mort Toomey, Chairman
Date: February 1, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

2012 FEB 1 AM 9 49
TOWN CLERK'S OFFICE
BOURNE, MASS

THESE MINUTES
APPROVED 3/19/12
PREVIOUS SUBMITTED
DATE ERA

SELECTMEN'S TASK FORCE

EE

ON LOCAL POLLUTION

2012 MAR 20 AM 7:26

AND

TOWN CLERK'S OFFICE
BOURNE, MASS

PHASE II STORMWATER MANAGEMENT

COMMUNITY OVERSIGHT GROUP

Minutes of meeting held February 13, 2012

Called to order by Chairman Mort Toomey at 7:08 p.m.

Members present: Jim Mulvey, Stewart Bell, Les Perry, Mort Toomey, and Elaine Graybill.

1. Mulvey, page 2, item 6, item B, change to "the grant that replaced the culvert" because it has been done. Mulvey makes a motion for that change, Perry seconds. Unanimously approved. Mulvey moves and Bell seconds that the corrected minutes be sent to all the selectmen by the secretary via an e-mail to Debbie Judge. Unanimously approved.
2. Toomey reported on the Buzzards Bay Watershed Mini Grant. He attended a meeting about the grant, also attended by Bell and Mulvey, reps from MMA and DPW, Bernie Taber from Buzzards Bay Project, and a rep from the Conservation Commission. Toomey reported DNR Director Tim Mullen said there will be digging/testing at two sites in the Beachmoor restaurant parking lot for pre-engineering study on Feb. 27 and 28. Toomey showed on an aerial map where the stormwater filtration might be located. Two of the catch basins that are part of the failed system are on state property and would therefore require an easement from the state and the cooperation of MMA to install the new filtration.
3. RE: Maps of the Town of Bourne stormwater drainage structures with GIS data including outfalls and flows. Toomey brought five sets of those maps, which he obtained from the town, for committee members. Bell moves the committee coordinate closed shellfish beds to outfall pipes on the maps. Graybill seconds. Unanimously approved. The committee's homework is for each member to take one closed bed on the list close to where that person lives and indicate it on the maps, making note of nearby outfall pipes. Members also will become familiar with the maps and the symbols in the legend indicating such structures as paved swales, pipe outlets, and untreated catch basins.

4. RE: NPDES PII Small MS-4 General Permit Annual Report. Toomey obtained from Brendan at the Conservation and Wetlands office the Bourne bylaws for Wetlands. Toomey also obtained the Mass. Wetlands Protection Act from the town planner and planning board. Continual review of the goals stated in this annual report will be a step forward for letting town know of this committee's involvement and desire to be represented at meetings and to receive information.

- a. Page 7, 3-1, a measurable goal is to produce a map with drainage structures and outfall locations. We are working on that.
- b. For the next meeting, Toomey will obtain information about the status of stormwater bylaws, RE page 10, 4-2, i.e. the design of stormwater management by a consultant hired by the town planner.
- c. Bell recommends that we track the EPA-promised settlement in regard to the lawsuit by CBB and the Conservation Law Foundation about failure to enforce the Clean Water Act, which settlement could be a major source of funding.
- d. Bell moves that in the interest of complying with the report, we continue to place review of the current version of this document on our agendas and maintain communication with departments responsible for certain portions of the report. Perry seconds; unanimously approved.

5. RE Shellfish closures in Bourne. The most recent information from a report from DNR is eight shellfish sites are open and 16 are closed. The committee's question is that we need to know which beds are closed due to reasons that relate to stormwater runoff. Toomey said there is a report that details closure reasons for each shellfish bed. Bell said using the maps Toomey has obtained for us, we can work from outfall pipes and connect them to shellfish bed closures, which is a key identification and our first-pass approach. Bell moves the committee will be reviewing shellfish closures that may be related to outfall pipes. Perry seconds; unanimously approved.

6. RE: Update on Conservation Pond at Circuit Ave. and Island Drive: Conservation was attempting to eliminate the phragmites (invasive freshwater plants) that had invaded the pond area because of the lack of saltwater infusion. The committee continues to have an interest in the increased tidal flow at Conservation Pond due to culvert replacement.

7. Agenda items for the next meeting:

- a. Discuss NPDES PII small MS-4 General Permit Annual Report.

b. Review maps and homework on closed shellfish beds. Toomey will present fisheries reports about shellfish bed closures.

c. Status of Buzzards Bay Watershed Mmini Grant

d. Further discussion of committee's research into Conservation Pond

8. Mulvey moves the next meeting be scheduled for March 19, 2012, at Town Hall. Bell seconds. Unanimously approved.

9. Bell moves for adjournment, Graybill seconds. Unanimously approved. Toomey adjourns the meeting at 8:55 p.m.

Clare Graybill
Secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 MAR 13 AM 10 54

MEETING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS


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

Date: Monday, March 19, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on February 13, 2012
- 2) Monthly status report on the Buzzards Bay Watershed Mini Grant
- 3) Review maps, U.S. Fisheries Reports and homework assignments on closed shellfish beds
- 4) Community oversight on N.P.D.E.S. PH Small MS-4 General Permit
- 5) Further discussion on committee's research into Conservation Pond
- 6) Schedule next meeting
- 7) Adjourn


Mort Toomey, Chairman
Date: March 13, 2012

cc: Town Clerk
Town Administrator-Board of Selectmen
Committee members: Mulvey, Bell, Graybill, Perry, Toomey
Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;
Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
AND
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP
Minutes of meeting held March 19, 2012**

2012 APR 19 AM 8 25
TOWN CLERK'S OFFICE
BOURNE, MASS

Called to order by Chairman Mort Toomey at 7:04 p.m.

Members present: Jim Mulvey, Stewart Bell, Les Perry, Mort Toomey, and Elaine Graybill.

1. Approval of minutes of February 13, 2012. Bell moves to approve, Perry seconds. Unanimously approved.
2. Toomey reported on the Buzzards Bay Watershed Mini Grant. In preparation for remediation, George Sayler, Bourne Department of Public Works assistant director, reported that on February 28, 2012, DPW dug holes and did test boring at a couple of sites in the area addressed by the grant. At one of those sites, in the Beachmoor parking lot, water was found at 5 feet. No updates yet on the second test, but Toomey will keep the committee informed.
3. Toomey distributed materials on closed shellfish beds consisting of a packet of 1990s letters from the Massachusetts Division of Marine Fisheries to the Bourne Board of Selectmen notifying them of shellfish bed closures in Bourne. Closed beds reported at tonight's meeting on by committee members were:
 - a. Back River_BB: 47.3 (map 1)—Les Perry—appears to be due to business runoff from Lobster Trap.
 - b. The Brook_BB: 44.8 (Buttermilk Bay North) (map 1)—Elaine Graybill—appears to be due to agricultural runoff from cranberry bogs.
 - c. Wings Neck Creek_BB: 49.4 (map 2)—Stewart Bell—appears that it could be due to insufficient marsh flow.

- d. Cape Cod Canal Sagamore Bridge_BB:45.3 (map 3)—Mort Toomey-Route 6 Connector, a state highway, drains into that area, which could explain the closure.

Toomey suggests we continue compile information on permanently closed beds. The committee will eventually question Marine Fisheries' Mike Hickey about why there is a closure near the Lobster Trap between Shore Road and the Railroad Tracks and why there is a closure at Wings Neck Creek. Also, the committee will question how frequently the closed beds are tested. In past years, septic surveys were done every decade, but funding has affected that. Graybill will donate a file box to organize these reports. The committee discussion concluded that it is worth the members' time to investigate each closed bed to determine the reasons for closure and to identify those beds that might be prospects for remediation. Members chose shellfish beds from the January 1, 2012 Bourne shellfish regulations book as assignments for the next meeting. Bell suggested as part of this project we develop a list of attributes of the remediation projects we are seeking to identify. Assignments for the next meeting are:

- a. Mort Toomey: Cape Cod Canal East_BB:45.4
- b. Elaine Graybill: Cranberry Bog Creek_BB:44.13 (Little Buttermilk Bay East)
- c. Les Perry: Gray Gables_BB:43.3
- d. Jim Mulvey: Queen Sewell Cove_BB:44.7
- e. Stewart Bell: Red Brook River_BB:44.4

- 4. Review of NPDES PII Small MS-4 General Permit Annual Report.
 - a. Toomey said he would obtain information about the status of stormwater bylaws, RE page 10, 4-2, i.e. the design of stormwater management by a consultant hired by the town planner to be presented to a town meeting. There seems to be conflicting information as to whether a consultant was hired and what was produced, if anything. Page by page review of this report will be a continuing agenda item for this committee.
- 5. RE: Update on Conservation Pond at Circuit Ave. and Island Drive: Conservation was attempting to eliminate the phragmites (invasive freshwater plants) that had invaded the pond area because of the lack of saltwater infusion. The committee continues to have an interest in the increased tidal flow at Conservation Pond due to culvert replacement.

Mulvey suggests we ask the Board of Health to take samples from Conservation Pond to compare to previous tests to see if there is an improvement. Mulvey will take care of that.

6. Agenda items for the next meeting:
 - a. Discuss NPDES PII small MS-4 General Permit Annual Report.
 - b. Review maps and homework on closed shellfish beds. Toomey will present fisheries reports about shellfish bed closures.
 - c. Status of Buzzards Bay Watershed Mini Grant
 - d. Further discussion of committee's research into Conservation Pond
7. Next meeting will be Monday, April 9, 2012.
8. Perry moves for adjournment, Bell seconds. Unanimously approved. Toomey adjourns the meeting at 9:07 p.m.

Respectfully submitted,



Elaine Cook Graybill, secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 APR 11 AM 10 19

MEETING NOTICE TOWN CLERK'S OFFICE
BOURNE, MASS

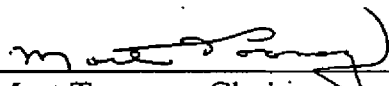
Location: Bourne Town Hall - Upper Conference Room
24 Perry Avenue, Buzzards Bay

Date: Wednesday, April 18, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on March 19, 2012
- 2) Monthly status report on the Buzzards Bay Watershed Mini Grant
- 3) Committee reviewing maps and reporting on the U.S. Fisheries Reports concerning the closed shellfish beds
- 4) Community oversight on N.P.D.E.S. PH Small MS-4 General Permit
- 5) Further agenda topics
- 6) Schedule next meeting
- 7) Adjourn


Mort Toomey, Chairman

Date: April 11, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
AND
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP
Minutes of meeting held April 18, 2012

2012 APR 15 PM 5 40
TOWN CLERK'S OFFICE
BOURNE, MASS

Called to order by Chairman Mort Toomey at 7:05 p.m.

Members present: Jim Mulvey, Stewart Bell, Les Perry, Mort Toomey, and Elaine Graybill.

1. Approval of minutes of March 19, 2012. Mulvey moves to approve, Perry seconds. Unanimously approved.
2. Toomey reported on the Buzzards Bay Watershed Mini Grant. He distributed copies to members of the "Request for Responses" (RFR) for Engineered Design Plans for Buttermilk Way Stormwater Remediation Project, Bourne, MA, with a submission deadline of June 1, 2012. Toomey will provide more RFR information at future meetings.
3. Members reported on the following permanently closed shellfish beds. The secretary donated a file box to organize the shellfish bed reports. It's the intent of the committee to use all these closed shellfish bed reports, past, present, and future, and compile and compare the information. One purpose is to examine the suitability of closed beds for remediation solutions or for retesting and reclassification. Toomey said there may be opportunities in the future to apply for grants that would relate to some of the problems causing permanent shellfish bed closure. Reports at this meeting:
 - a. Mort Toomey: Cape Cod Canal East_BB:45.4
 - a. At Sandwich Boat Basin there are no culvert pipes. They now have a pump-out for boats. At one period in the past the Power Plant discharged bleach. The question is whether this is just a recurring closure notice or whether retesting is being carried out. Toomey will meet with the

head person at the Power Plant about their current discharge, permit, and tests.

- b. Elaine Graybill: Cranberry Bog Creek_BB:44.13 (Little Buttermilk Bay East)
 - a. Drainage is out of Queen Sewell Cove and through a former cranberry bog that is now conservation land. A drainage pipe empties into Cranberry Bog Creek that runs into Little Buttermilk Bay. Photos were presented. Question is whether it has been retested in recent years or whether this is just a recurring closure notice.
- c. Les Perry: Gray Gables_BB:43.3
 - a. Perry reported on Butler Cove at the town beach. Earlier tonight he saw a sign that the bed is open, despite its being listed in the shellfish book as a permanent closure. The committee expressed a desire to know the reason for the apparently sudden re-opening of the bed. Mulvey suggested that Tim Mullen or Mike Hickey would be able to answer that. The area is surrounded by houses on Gilder Road and Presidents Road. The marshy area at the south end of Butler Cove could harbor pollutants, which is the only thing Perry saw that could create pollution. Perry noted that it is difficult to remove pollution from a flat estuary or marshy area.
- d. Jim Mulvey: Queen Sewell Cove_BB:44.7
 - a. This bed was completely closed until it was dredged five to six years ago after which half was re-opened. It was never dredged fully into the cove because of the problem with disposing of dredged material. At the end of Cranberry Highway a French drain was put in to deal with road runoff.
- e. Toomey noted that this committee did a report years ago on the importance of flushing estuaries.
- f. Assignments for next month:
 - a. Pocasset River_BB:48: Stewart Bell
 - b. Little Bay_BB:46.21: Les Perry
 - c. Creek@Garland Property_BB:44.12 (Little Buttermilk Bay East): Elaine Graybill
 - d. West End of Canal_BB:45.1: Mort Toomey
- g. Mulvey noted there are several catch basins at Cohasset Narrows that directly discharge into the water that he hopes will be remediated during reconstruction of bridge and redesign of the Buzzards Bay rotary.

4. Concerning review of NPDES PII Small MS-4 General Permit Annual Report, due from the city in May of each year, in light of our committee's oversight function as the Phase II Stormwater Management Community Oversight Group. This committee in reviewing last year's commitment to develop stormwater management runoff bylaws led to the chair researching what had been done on this commitment. He discovered some confusion over money spent to hire a consultant to develop draft bylaws. The committee is having difficulty in tracking two things: expenditures to the consultant and the resulting draft bylaws. Further investigation by the committee would involve the town planner, Department of Public Works, Finance Director, and the consultant. Mulvey moves and Bell seconds that the committee pursue the issues just stated. Unanimously approved.
5. Agenda items for the next meeting:
 - a. Approval of minutes from April 18, 2012 meeting
 - b. Town Clerk e-mail request
 - c. Committee oversight on NPDES PII small MS-4 General Permit Annual Report and questions about draft bylaws on stormwater remediation
 - d. Review maps and homework on closed shellfish beds and fisheries report
 - e. Status of Buzzards Bay Watershed Mini Grant
 - f. Review of upcoming grants
6. Next meeting will be Monday, May 14, 2012.
7. Graybill moves for adjournment, Mulvey seconds. Unanimously approved. Toomey adjourns the meeting at 9:04 p.m.

Respectfully submitted,



Elaine Cook Graybill, secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 MAY 4 PM 2 42

MEETING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS

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

Date: Monday, May 14, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on April 16, 2012
- 2) Monthly status report on the Buzzards Bay Watershed Mini Grant CZM XX and discussion on the new Mini Grant CZM 08
- 3) Committee reviewing maps and reporting on the Department of Marine Fisheries Reports concerning the closed shellfish beds
- 4) Community oversight on April 2012 N.P.D.E.S. PH Small MS-4 General Permit
- 5) Discuss further agenda topics
- 6) Schedule next meeting
- 7) Adjourn


Mort Toomey, Chairman

Date: May 4, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
AND
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 JUN 12 AM 8 30
TOWN CLERK'S OFFICE
BOIRNE, MASS

Minutes of meeting held May 14, 2012

Called to order by Chairman Mort Toomey at 7:03 p.m.

Members present: Jim Mulvey, Stewart Bell, Les Perry, Mort Toomey, and Elaine Graybill.

1. Approval of minutes of April 18, 2012. Bell moves to approve, Perry seconds. Unanimously approved.

2. Toomey reported on the Buzzards Bay Watershed Mini Grant. There will be a Bidders' Conference meeting at 10 a.m. tomorrow at the former Beachmoor Inn parking lot at Massachusetts Maritime Academy with engineers present responding to the Energy and Environmental Affairs Massachusetts Office of Coastal Zone Management (CZM) Request For Responses to develop stormwater treatment designs under the Buzzards Bay Watershed Mini Grant. Several committee members will be there. Also, there is a new mini-grant opportunity, CZM 08, for implementation of the remediation design produced by the mini grant. That grant application is due 4 p.m. Thursday, June 28, 2012. Toomey will be speaking with DNR Director Tim Mullen about the submission of that application and how we can assist him in that. Toomey will provide continuing information at future meetings on both grants' status.
 - a. Bell moves that Toomey will monitor the preparation of the RFR ENV 12 CZM 08 application by communicating with DNR Director Tim Mullen to ensure timely filing. Perry seconds. Unanimously approved.

3. Members reported on the following permanently closed shellfish beds. It's the intent of the committee to use all these closed shellfish bed reports, past, present, and future, and compile and compare the information. One purpose is to examine the suitability of closed beds for remediation

solutions or for retesting and reclassification. Perry reported that John Mendes, Division of Marine Fisheries, told him that permanently closed beds are retested and reopened after it is reported to them that remediation has been completed. Mulvey reported that the town will move ahead now with the estuary study of Squeateague Harbor due to a vote at last week's Town Meeting. Reports at this meeting:

- a. Pocasset River_BB:48: Stewart Bell: Bell provided a map showing that the large area going from the jetty by the entrance to Pocasset River by Bennett's Neck southeast to the railroad tracks has multiple "closed" signs. The Pocasset River has already been designated an Area of Critical Environmental Concern (ACEC) by the EPA. There is no single problem area but it is a culmination of boat traffic, drainage from road, septic systems, and a nearby marina area is a potential source of pollutants.
 - b. Little Bay_BB:46.21: Les Perry: (report postponed until next meeting) (move note from Mendes query to here)
 - c. Creek@Garland Property_BB:44.12 (Little Buttermilk Bay East): Elaine Graybill (report postponed until next meeting)
 - d. West End of Canal_BB:45.1: Mort Toomey (report postponed until next meeting)
- b. Assignments for next meeting in addition to postponed reports:
- a. Hen Cove_BB: 49.5: Stewart Bell
 - b. Circuit Avenue stormwater drainage discussion at Conservation Commission Meeting on May 10, 2012: Stewart Bell
4. Review of NPDES PII Small MS-4 General Permit Annual Report, for April 2011-April 2012, presented to members by Chairman Toomey. There was a discussion of the approximately seven references in the report to creation of stormwater bylaws for Bourne by a consultant that will be presented at the "next Town Meeting." These references are verbatim duplicates from the previous year's report. The question was raised about where these bylaws are and when they will be presented for approval at Town Meeting.
- a. A discussion developed about making a presentation during the designated committee report slot at the next regular Town Meeting.
 - b. Mulvey moves that on behalf of this committee the secretary should share the April 18, 2012 meeting minutes, where the above stormwater bylaws issue is delineated, with all town officials obligated to perform a function under the new NPDES report dated April 2012 by e-mailing it to the Peter Meier, clerk of the Board of

Selectmen, and asking for distribution. Bell seconds. Unanimously approved.

5. Agenda items for the next meeting:
 - a. Approval of minutes from May 14, 2012 meeting
 - b. Committee oversight on NPDES PII small MS-4 General Permit Annual Report and further questions about draft bylaws on stormwater remediation
 - c. Review maps and homework on closed shellfish beds and fisheries report and Circuit Avenue drainage
 - d. Status of Buzzards Bay Watershed Mini Grant
 - e. Review of upcoming grants .
6. Next meeting will be 7 p.m. Monday, June 11, 2012.
7. Graybill moves for adjournment, Perry seconds. Unanimously approved. Toomey adjourns the meeting at 8:57 p.m.

Respectfully submitted,



Elaine Cook Graybill, secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

MEETING NOTICE

2012 JUN 1 AM 10 56
TOWN CLERK'S OFFICE
BOURNE, MASS.


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

Date: Monday, June 11, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on May 14, 2012
- 2) Reviewing Community oversight on April 2012 N.P.D.E.S. PH Small MS-4 General Permit
- 3) Monthly status report on the Buzzards Bay Watershed Mini Grant CZM XX and a report on the new Mini Grant CZM 08
- 4) Committee reviewing maps and reporting on the Department of Marine Fisheries Reports concerning the closed shellfish beds
- 5) Discuss further agenda topics
- 6) Schedule next meeting
- 7) Adjourn


Mort Toomey, Chairman
Date: June 1, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION**

AND

2012 JUL 10 AM 8 21

TOWN CLERK'S OFFICE
BOURNE, MASS

**PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

Minutes of meeting held June 11, 2012

Called to order by Chairman Mort Toomey at 7:00 p.m.

Members present: Jim Mulvey, Stewart Bell, Les Perry, Mort Toomey, and Elaine Graybill.

1. Approval of minutes of May 14, 2012. Bell moves to approve, Perry seconds. Unanimously approved.
2. Continued review of NPDES PII Small MS-4 General Permit Annual Report, for April 2011-April 2012. A discussion ensued following up on the previously discussed matter of the town's hiring of a consultant who drew up a draft stormwater bylaw. After this task force raised a question about that matter with town officials this past month, the town planner forwarded a copy of the draft bylaw to our task force. The discussion moved into questioning why the draft bylaw, which was completed by the consultant in 2008, has not been moved forward for approval at Town Meeting, which fact does not reflect what is stated in the NPDES PII Small MS-4 General Permit Annual Reports from 2008 on. Also, our discussion questioned why if the draft bylaw was completed by the consultant in 2008, there was no communication about it to this oversight task force from the Planning Department in spite of annual questions from this task force about progress toward a draft bylaw.
3. Toomey reported on the Buzzards Bay Watershed Mini Grant.
 - a. Four task force members were present at the Taylor's Point Bidding conference on May 15 on the site of the proposed grant work.
 - b. Toomey announced that on Wednesday, June 13, in Bourne Town Hall, relevant officials will meet to open engineering bids for the project. Toomey plans to attend.

- c. Toomey has followed up with DNR Director Tim Mullen on the possible filing of the RFR ENV 12 CZM 08 application, which was previously discussed by this task force and which is the next stage, implementing the engineering design that is being done now for the Taylor's Point remediation project. Toomey reports no definitive information about that and the application is due by the end of June. Bell moves and Perry seconds that Toomey will follow up with Mullen, our authorized agent on this grant, again to see if that application will be filed. Unanimously approved.

4. Members reported on the following permanently closed shellfish beds. Mulvey noted that there is a new temporary closure. Contaminated stock from the Taunton River has been transferred into Little Buttermilk Bay causing a temporary closure inside of Gibbs Narrows to the Rock on the Garland Property. It's the intent of this task force to use all permanently closed shellfish bed reports, past, present, and future, and compile and compare the information. One purpose is to examine the suitability of closed beds for remediation solutions or for retesting and reclassification. Perry reported that John Mendes, Division of Marine Fisheries, told him that permanently closed beds are retested and reopened after it is reported to them that remediation has been completed Reports at this meeting:
 - a. Little Bay_BB:46.21: Les Perry. These properties are oyster bed relay areas that are closed for propagation. There are two spots involved. There are at least two upwellers to get nutrients to seed stock.
 - b. Creek@Garland Property_BB:44.12 (Little Buttermilk Bay East): Elaine Graybill. Farm runoff is the stated reason for closure. Follow-up required to see if horses are still kept there in the nearby area and if that relates to the existence of current pollution. Perry will inquire about this with Mendes of DMF.
 - c. West End of Canal_BB:45.1: Mort Toomey. Academy Drive to Tower Lane. At each intersection there are multiple catch basins tied together, with five culvert pipes for ocean outfall. Stated reason for closure is drainage culverts and boat traffic. Perry said boat pump-out stations of today should mitigate the problem from boat traffic. Toomey said the road is in good shape, but oil from parked cars could be a pollution factor. Jefferson Road culvert, on the Gray Gables side of the Canal, has a

flapper on it to prevent inflow during storms, however, the flapper isn't working and water washes back onto the road. He said a check valve would be a remediating step there. Old sewage outfalls into Canal have been corrected. Toomey wants to pursue possibility of bacterial contamination at that site to determine further likelihood of remediation.

- d. Hen Cove_BB: 49.5. Stewart Bell. Bell reports drainage work is being done around Hen Cove. It is premature to judge the water quality there. He will pursue results of the last testing for water quality. Bell said it also is premature to talk about remediation at Hen Cove. Stated closure reason is drainage culvert and salt pond drainage. Mulvey said Circuit Ave. and Conservation Pond road runoff has been remediated through swales and infiltration. Bell said the closure area is not made clear from the posted signs. Bell will discuss signage with DNR Director Tim Mullen.
 - e. There was a Circuit Avenue stormwater drainage discussion at the Conservation Commission Meeting on May 10, 2012. Bell will request the minutes of that meeting from Brendan Mullaney.
 - f. Materials from our research into closed beds will be assembled into folders by the secretary to help us conclude this project.
 - g. Assignments for next meeting:
 - i. Jefferson Road, Mort Toomey_BB:43.8
 - ii. Bourne Marina, Elaine Graybill_BB:43.5
5. Agenda items for the next meeting:
- a. Approval of minutes from June 11, 2012 meeting
 - b. Committee oversight on NPDES PII small MS-4 General Permit Annual Report and discussion of the next step for the 2008 draft bylaw on stormwater remediation. Also discussion of whose responsibility it is to move the draft bylaw toward passage at Town Meeting.
 - c. Review maps and homework on closed shellfish beds and fisheries report
 - d. Status of Buzzards Bay Watershed Mini Grant; award of remediation design
 - e. Review of upcoming grants
6. Next meeting will be 7 p.m. Monday, July 9, 2012.

7. Graybill moves for adjournment, Mulvey seconds. Unanimously approved.
Toomey adjourns the meeting at 8:44 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elaine Cook Graybill".

Elaine Cook Graybill, secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 JUN 28 PM 12 06

MEETING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS

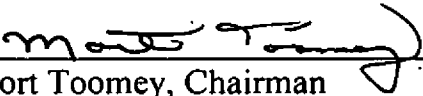
Location: Bourne Town Hall - Upper Conference Room
24 Perry Avenue, Buzzards Bay

Date: Monday, July 9, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on June 11, 2012
- 2) Committee oversight on NPDES PHII small MS-4 General Permit Annual Report and discussion of the next step for the 2008 draft of the stormwater/erosion control bylaws. Also discussion of whose responsibility it is to move the draft bylaw toward passage at the Fall Town Meeting
- 3) Review maps and homework on closed shellfish beds and fisheries report. Create protocol to finalize all of the reports into a committee presentation
- 4) Status of Buzzards Bay Watershed Mini Grants award of the Remediation Design bid award and review of upcoming grants
- 5) Discuss further agenda topics
- 6) Schedule next meeting
- 7) Adjourn


Mort Toomey, Chairman
Date: June 28, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION**

2013 OCT 8 AM 8 22

TOWN CLERK'S OFFICE
) BOURNE, MASS

AND

**PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

Minutes of meeting held July 9, 2012

Called to order by Chairman Mort Toomey at 7:07 p.m.

Members present: Jim Mulvey, Stewart Bell, Mort Toomey, Les Perry, and Elaine Graybill.

1. Approval of minutes of June 11, 2012. Bell moves to approve, Mulvey seconds. Unanimously approved.
2. Continued review of NPDES PII Small MS-4 General Permit Annual Report, for April 2011-April 2012. (NPDES is National Pollution Discharge Elimination Service.) A discussion ensued following up on the previously discussed matter of the town's hiring of a consultant who drew up a draft stormwater bylaw. It is the committee's reading of the NPDES PII Small MS-4 General Permit Annual Report for April 2011-April 2012 that the entities responsible for moving a draft bylaw toward passage at Town Meeting include: Town Administrator, Conservation Commission/Agent, Planning Board, Zoning Enforcement Officer, Building Inspector, and DPW Superintendent. This group recognizes that our primary obligation as the federally mandated Phase II Stormwater Management Community Oversight Group is to oversee the movement of issues like this to implementation. Mulvey moves and Perry seconds that copies of the June 11, 2012 minutes be sent to selectmen and all other town officials obligated to perform a function under the new NPDES report dated April 2012, with particular emphasis on item 2, which concerns the draft bylaw. Unanimously approved.
3. Discussion ensued on the shellfish bed project. Toomey suggested that each report this group compiles on a closed shellfish bed start off with a Marine Fisheries report, which he has available. He suggested that we take our final compiled reports on the permanently closed shellfish beds to the Division of Marine Fisheries to request that they re-test the most favorable beds for possible reopening. Each packet would also include

maps, photos, and the applicable page from the DNR Shellfish Regulations. Perry talked with the Division of Marine Fisheries and learned that every three years the bed closures are reviewed and reports given to Bourne DNR Director Tim Mullen. Also that the Division of Marine Fisheries is to do a walkaround every 12 years to determine candidates for reopening. For example, the remediation being done right now near the Beachmoor would make that closed bed a candidate for reopening. Mulvey said the walkarounds have not been done for 20 years. Graybill asked people to review reports they have given and add any missing pieces. Toomey will provide a set of Marine Fisheries reports to each member. Bell suggested we focus on one of the closed beds we investigated at each meeting to put it into a form for presentation. Closed bed presentations at tonight's meeting follow.

- a. Jefferson Road, Mort Toomey_BB:43.8
 - i. The area has been repaved with tanks to receive stormwater flow from catch basins. One catch basin is in a private driveway and another flows into a culvert. Residence #174 and others nearby receive flow from a hill into a culvert, with backflow filling that residence yard during rains. The DPW installed a flapper to remediate that, but it is not effective. The DPW is considering a check valve or a sump pump in further efforts to fix the problem. Because of the new installations Toomey doesn't see a pollution problem but rather a stormwater flooding issue. The water ultimately flows into the Canal through two 12-inch pipes. Toomey does not see this as a priority for remediation for shellfish closure. Toomey will follow up on DPW's handling of this.
- b. Bourne Marina, Elaine Graybill_BB:43.6
 - i. Mulvey requests a more detailed investigation of the nature of the stormwater drains. There is no shellfish sign there and while it is in the 2012 list of permanently closed beds it is not listed in the 2011 list.
- c. Hen's Cove_BB:49.5, Stewart Bell
 - i. Bell was assigned to talk with Mullen about signage at Hen's Cove. Upon further investigation he found no signage problem.
 - ii. Circuit Ave. (Hen's Cove), Bell was assigned to get Conservation Commission minutes from 5-10-12 about drainage work at Circuit Ave. He found a remediation dredging project under way at Circuit Avenue, but this committee does not know if water quality has improved due to the remediation which would open shellfish beds. Mulvey said Conservation Pond is the problem.

- iii. Mulvey brought forth the fact that privately owned land that had blocked Wings Neck remediation from the Canal is now under conservation control, which opens the possibility of increased drainage into the marsh, which would remediate the problem.
4. Status of Buzzards Bay Watershed Mini Grant; award of remediation design. Toomey circulated the DNR's June 29, 2011, mini-grant application and also an e-mail dated July 2, 2012 from Sarah Williams of the Buzzards Bay National Estuary Program announcing awarding of the bid for remediation design to Green Seal Environmental. Bell asked for Toomey to obtain a copy of Green Seal's bid for our edification. Toomey is going to investigate grants through "Project 319."
5. Agenda items for the next meeting:
 - a. Approval of minutes from July 9, 2012 meeting
 - b. New Web-based requirements for reporting committee activities
 - c. Review closed shellfish areas to select those most promising for remediation
 - d. Update on NPDES PII small MS-4 General Permit Annual Report situation involving draft stormwater bylaw
 - e. Status of Buzzards Bay Watershed Mini Grant; award of remediation design
 - f. Discuss further agenda topics
 - g. Schedule next meeting
 - h. Adjourn
6. Next meeting will be 7 p.m. Monday, August 13, 2012.
7. Bell moves for adjournment, Perry seconds. Unanimously approved. Toomey adjourns the meeting at 9:15 p.m.

Respectfully submitted,



Elaine Cook Graybill, secretary

SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
AND
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP
Minutes of meeting held July 9, 2012

2012 AUG 14 AM 8 22

TOWN CLERK'S OFFICE
SOURNE, MASS

Called to order by Chairman Mort Toomey at 7:07 p.m.

Members present: Jim Mulvey, Stewart Bell, Mort Toomey, Les Perry, and Elaine Graybill.

1. Approval of minutes of June 11, 2012. Bell moves to approve, Mulvey seconds. Unanimously approved.
2. Continued review of NPDES PII Small MS-4 General Permit Annual Report, for April 2011-April 2012. (NPDES is National Pollution Discharge Elimination Service.) A discussion ensued following up on the previously discussed matter of the town's hiring of a consultant who drew up a draft stormwater bylaw. It is the committee's reading of the NPDES PII Small MS-4 General Permit Annual Report for April 2011-April 2012 that the entities responsible for moving a draft bylaw toward passage at Town Meeting include: Town Administrator, Conservation Commission/Agent, Planning Board, Zoning Enforcement Officer, Building Inspector, and DPW Superintendent. This group recognizes that our primary obligation as the federally mandated Phase II Stormwater Management Community Oversight Group is to oversee the movement of issues like this to implementation. Mulvey moves and Perry seconds that copies of the June 11, 2012 minutes be sent to selectmen and all other town officials obligated to perform a function under the new NPDES report dated April 2012, with particular emphasis on item 2, which concerns the draft bylaw. Unanimously approved.
3. Discussion ensued on the shellfish bed project. Toomey suggested that each report this group compiles on a closed shellfish bed start off with a Marine Fisheries report, which he has available. He suggested that we take our final compiled reports on the permanently closed shellfish beds to the Division of Marine Fisheries to request that they re-test the most favorable beds for possible reopening. Each packet would also include

maps, photos, and the applicable page from the DNR Shellfish Regulations. Perry talked with the Division of Marine Fisheries and learned that every three years the bed closures are reviewed and reports given to Bourne DNR Director Tim Mullen. Also that the Division of Marine Fisheries is to do a walkaround every 12 years to determine candidates for reopening. For example, the remediation being done right now near the Beachmoor would make that closed bed a candidate for reopening. Mulvey said the walkarounds have not been done for 20 years. Graybill asked people to review reports they have given and add any missing pieces. Toomey will provide a set of Marine Fisheries reports to each member. Bell suggested we focus on one of the closed beds we investigated at each meeting to put it into a form for presentation. Closed bed presentations at tonight's meeting follow.

- a. Jefferson Road, Mort Toomey_BB:43.8
 - i. The area has been repaved with tanks to receive stormwater flow from catch basins. One catch basin is in a private driveway and another flows into a culvert. Residence #174 and others nearby receive flow from a hill into a culvert, with backflow filling that residence yard during rains. The DPW installed a flapper to remediate that, but it is not effective. The DPW is considering a check valve or a sump pump in further efforts to fix the problem. Because of the new installations Toomey doesn't see a pollution problem but rather a stormwater flooding issue. The water ultimately flows into the Canal through two 12-inch pipes. Toomey does not see this as a priority for remediation for shellfish closure. Toomey will follow up on DPW's handling of this.
- b. Bourne Marina, Elaine Graybill_BB:43.6
 - i. Mulvey requests a more detailed investigation of the nature of the stormwater drains. There is no shellfish sign there and while it is in the 2012 list of permanently closed beds it is not listed in the 2011 list.
- c. Hen's Cove_BB:49.5, Stewart Bell
 - i. Bell was assigned to talk with Mullen about signage at Hen's Cove. Upon further investigation he found no signage problem.
 - ii. Circuit Ave. (Hen's Cove), Bell was assigned to get Conservation Commission minutes from 5-10-12 about drainage work at Circuit Ave. He found a remediation dredging project under way at Circuit Avenue, but this committee does not know if water quality has improved due to the remediation which would open shellfish beds. Mulvey said Conservation Pond is the problem.

- iii. Mulvey brought forth the fact that privately owned land that had blocked Wings Neck remediation from the Canal is now under conservation control, which opens the possibility of increased drainage into the marsh, which would remediate the problem.
4. Status of Buzzards Bay Watershed Mini Grant; award of remediation design. Toomey circulated the DNR's June 29, 2011, mini-grant application and also an e-mail dated July 2, 2012 from Sarah Williams of the Buzzards Bay National Estuary Program announcing awarding of the bid for remediation design to Green Seal Environmental. Bell asked for Toomey to obtain a copy of Green Seal's bid for our edification. Toomey is going to investigate grants through "Project 319."
5. Agenda items for the next meeting:
 - a. Approval of minutes from July 9, 2012 meeting
 - b. New Web-based requirements for reporting committee activities
 - c. Review closed shellfish areas to select those most promising for remediation
 - d. Update on NPDES PII small MS-4 General Permit Annual Report situation involving draft stormwater bylaw
 - e. Status of Buzzards Bay Watershed Mini Grant; award of remediation design
 - f. Discuss further agenda topics
 - g. Schedule next meeting
 - h. Adjourn
6. Next meeting will be 7 p.m. Monday, August 13, 2012.
7. Bell moves for adjournment, Perry seconds. Unanimously approved. Toomey adjourns the meeting at 9:15 p.m.

Respectfully submitted,

Elaine Cook Graybill, secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 AUG 8 AM 10 52

MEETING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS


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

Date: Monday, August 13, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on July 9, 2012
- 2) Update on meeting of the Buttermilk Way Stormwater Remediation Project
- 3) The Phase II Stormwater ByLaws progress
- 4) To summarize the Fisheries reports and pictures for the presentation of the best sites to be reopened
- 5) Agenda items for the next meeting
- 6) Nest meeting date
- 7) Adjourn


Mort Toomey, Chairman
Date: August 8, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
2012 SEP 11 AM 8 23
AND TOWN CLERK'S OFFICE
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP
Minutes of meeting held August 13, 2012

Called to order by Chairman Mort Toomey at 7:00 p.m.

Members present: Jim Mulvey, Stewart Bell, Mort Toomey, Les Perry, and Elaine Graybill.

1. Approval of minutes of July 9, 2012. Bell moves to approve, Perry seconds. Unanimously approved.
2. Toomey reported on the status of the Buttermilk Way Stormwater Remediation Project. He attended the July 31, 2012 kick-off meeting of Green Seal Environmental, Inc., for the engineered design plans for the project and distributed the agenda and minutes from that meeting. Attendees at that July 31 kick-off meeting also included representatives from the Town of Bourne, the Buzzards Bay National Estuary Program, and Massachusetts Maritime Academy. A question arose at our task force meeting as to whether stormwater will undergo bacteria testing as part of the remediation project, the long term goals of which are to open shellfishing grounds and reduce stormwater pollution to Buzzards Bay. The ultimate question of our group is to what the degree stormwater pollution will be improved by this remediation. At the July 31 kick-off meeting, that group brought up roof runoff as something that ideally should be treated before it leaves the owners' properties. Toomey stated that our role in the Buttermilk Way Stormwater Remediation Project moving forward is to watch its progress, which is being overseen by the engineer and will be reported at regular meetings. Mulvey noted that most of the catch basins in that project are lower than can be used for infiltration, which presents an engineering challenge. In another matter, Mulvey noted that the new catch basins just installed on Main Street are improvements over what was there before.

3. We continued review of NPDES PII Small MS-4 General Permit Annual Report, for April 2011-April 2012. (NPDES is National Pollution Discharge Elimination Service.) Copies of the June 11, 2012 minutes of this group were sent to selectmen and Mulvey reported that they read them. Those minutes went to the building inspector and all other town officials obligated to perform a function under the new NPDES report dated April 2012, with particular emphasis on item 2, which described our discussion of the draft stormwater bylaw. Through the work of this committee it has been shown the town has been in possession of a draft bylaw drawn up by a consultant for four years. The task of bringing it to enforceable status is now the responsibility of the board of selectmen, the town administrator, and the town planner and other town departments mentioned in the annual NPDES report. Mulvey says we should request a response from them as to their responsibilities in this matter. Bell moves that we send the July 9, 2012 minutes to selectmen and all other town officials obligated to perform a function under the new NPDES report dated April 2012, with particular emphasis on item 2, which concerns the draft bylaw. Perry seconds. Unanimously approved. The secretary will implement that.
4. Discussion ensued on the shellfish bed project. Toomey suggested that each report this group compiles on a closed shellfish bed start off with a Marine Fisheries report, which he has available. There was a consensus that members will attempt to have materials organized by the next meeting.
 - a. Included in each packet should be:
 - i. The National Marine Fisheries closure notice
 - ii. Minutes of the meeting at which we gave our reports, including the reporter's assessment of that closed bed's potential for reversal.
 - iii. The most recent closure notice from the shellfish regulations book and the town's Web site.
 - iv. Pictures, aerial maps, Google Earth photos of the shellfish bed, and anecdotal information about a change in conditions that led to the original closure, for example dredging.
 - b. Toomey suggested that we take our final compiled reports on the permanently closed shellfish beds to the Division of Marine Fisheries to request that they re-test the most favorable beds for possible reopening.
5. Agenda items for the next meeting:
 - a. Approve minutes from the August 13, 2012 meeting
 - b. Review closed shellfish areas materials to select those most promising for remediation

- c. Update on NPDES PII small MS-4 General Permit Annual Report situation involving draft stormwater bylaw
 - d. Status of Buzzards Bay Watershed Mini Grant
 - e. Discuss further agenda topics
 - f. Schedule next meeting
 - g. Adjourn
6. Next meeting will be 7 p.m. Monday, September 10, 2012.
7. Perry moves for adjournment, Graybill seconds. Unanimously approved. Toomey adjourns the meeting at 8:38 p.m.

Respectfully submitted,

Elaine Cook Graybill, secretary

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

MEETING NOTICE

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

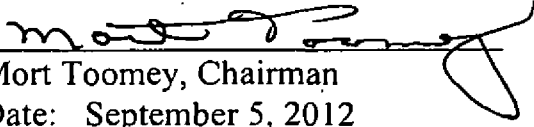
Date: Monday, September 10, 2012

Time: 7:00 P.M.

2012 SEP 5 PM 3 17
TOWN CLERK'S OFFICE
BOURNE, MASS

Agenda Topics

- 1) Approve minutes of meeting held on August 13, 2012
- 2) Update on Buttermilk Way Stormwater Remediation Project and mini grant
- 3) Review the draft of the Annual Town Report
- 4) The Phase II Stormwater Bylaws progress
- 5) Summarize the Commonwealth of Mass Marine Fisheries reports and pictures for the final presentation
- 6) Discuss agenda items for the next meeting
- 7) Date and time of next meeting
- 8) Adjourn


Mort Toomey, Chairman
Date: September 5, 2012

cc: Town Clerk
Town Administrator-Board of Selectmen
Committee members: Mulvey, Bell, Graybill, Perry, Toomey
Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;
Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

Town Clerk
1

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
AND
PHASE II STDRMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP
Minutes of meeting held September 10, 2012**

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

Called to order by Chairman Mort Toomey at 7:02 p.m.

Members present: Jim Mulvey, Stewart Bell, Mort Toomey, and Les Perry.

1. Approval of minutes of July 9, 2012. Perry moves to approve, Bell seconds. Unanimously approved. The Chairman appointed Bell as Secretary pro-temp for tonight's meeting.
2. Toomey reported on the status of the Buttermilk Way Stormwater Remediation Project. He attended the August 23rd, 2012 Alternative Analysis/Conceptual Design meeting of Green Seal Environmental, Inc. and distributed the agenda and minutes from that meeting. Attendees also included representatives from the Town of Bourne, the Buzzards Bay National Estuary Program, and Massachusetts Maritime Academy. Subsurface infiltration will be included in the base design. Final design approvals will be determined in subsequent meetings with the Buzzards Bay Project and Mass Maritime and the Green Seal project design manager over design and siting issues. It appears that additional funding for actual construction will be made available from CZM.
3. The committee reviewed a DRAFT of the Chairman's Annual Report to the Selectmen. Bell will revise the report based upon the committee's input.
4. A discussion ensued on the status of the Phase II Stormwater Bylaws.
5. A review of the documentation of closed shellfish areas was postponed until next meeting.
6. Agenda items for the next meeting:

- a. Approve minutes from the September 10th, 2012 meeting
 - b. Review closed shellfish areas materials to select those most promising for remediation, review progress in bringing documentation up to date.
 - c. Update on NPDES PII small MS-4 General Permit Annual Report situation involving draft stormwater bylaw
 - d. Status of Buzzards Bay Watershed Mini Grant
 - e. Discuss further agenda topics
 - f. Schedule next meeting
 - g. Adjourn
7. Next meeting will be 7 p.m. Monday, October 15, 2012.
 8. A motion was made by Perry and seconded by Bell to excuse Elaine Graybill from tonight's meeting was unanimously approved.
 9. Perry moves for adjournment, Bell seconds. Unanimously approved. Toomey adjourns the meeting at 8:30 p.m.

Respectfully submitted,

Stew Bell, Secretary pro-temp

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION**

and

**PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

2012 OCT 11 PM 1 17

TOWN CLERK'S OFFICE MEETING NOTICE

BOURNE, MASS

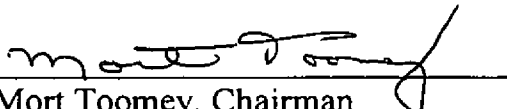
Location: Bourne Town Hall - Lower Conference Room
24 Perry Avenue, Buzzards Bay

Date: Monday, October 15, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on September 10, 2012
- 2) Russ Kleekamp of Green Seal Environmental will update the committee on the Buzzards Bay Estuaries Mini Grant at Taylor Point
- 3) Committee oversight of NPDES PHII small MS-4 general permit and the draft of the Stormwater Bylaws of the Town of Bourne
- 4) Review all the data for all of the closed shellfish beds to select the most promising for remediation
- 5) Discuss future agenda topics
- 6) Date and time of next meeting
- 7) Adjourn


Mort Toomey, Chairman
Date: October 11, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

SELECTMEN'S TASK FORCE**ON LOCAL POLLUTION****AND****PHASE II STORMWATER MANAGEMENT****COMMUNITY OVERSIGHT GROUP****Memo of the meeting held October 15, 2012**

2012 OCT 26 PM 4 03
TOWN CLERK'S OFFICE
BOURNE, MASS

Since there was no quorum, no business could be conducted and the meeting was cancelled by Chairman Mort Toomey at 7:15 p.m.

Members present: Jim Mulvey, Stewart Bell, and Mort Toomey.

A presentation was made by Russ Kleekamp from Green Seal Environmental, Inc. on the status of the Buttermilk Way Stormwater Improvement Project

Stew Bell, Secretary pro-temp

Mort Toomey

SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP

MEETING NOTICE
TOWN CLERK'S OFFICE
BOURNE, MASS.

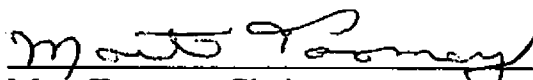
Location: Bourne Town Hall - Lower Conference Room
24 Perry Avenue, Buzzards Bay

Date: Monday, November 5, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on September 10, 2012
- 2) Update on the Buzzards Bay Estuaries Mini Grant at Taylor Point and reviewing the final draft design for the project
- 3) Committee oversight of NPDES PHII small MS-4 general permit and the draft of the Stormwater Bylaws of the Town of Bourne
- 4) Review all the data for all of the closed shellfish beds to select the most promising for remediation
- 5) Discuss future agenda topics
- 6) Date and time of next meeting
- 7) Adjourn


Mort Toomey, Chairman
Date: October 26, 2012

cc: Town Clerk

Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay

**SELECTMEN'S TASK FORCE
ON LOCAL POLLUTION
and
PHASE II STORMWATER MANAGEMENT
COMMUNITY OVERSIGHT GROUP**

NOV 28 PM 2 56

MEETING NOTICE

TOWN CLERK'S OFFICE
BOURNE, MASS

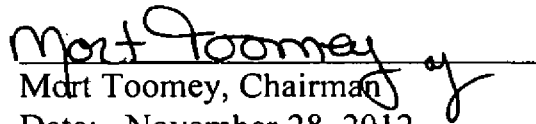
Location: Bourne Town Hall - Lower Conference Room
24 Perry Avenue, Buzzards Bay

Date: Monday, December 3, 2012

Time: 7:00 P.M.

Agenda Topics

- 1) Approve minutes of meeting held on November 5, 2012
- 2) Update status of the Buzzards Bay Estuaries Mini Grant at Taylor Point project
- 3) Committee oversight of NPDES PHII small MS-4 general permit and the draft of the Stormwater Bylaws of the Town of Bourne
- 4) Review all the data for all of the closed shellfish beds to select the most promising for remediation in our Mass Marine Fisheries Report
- 5) Discuss future agenda topics
- 6) Date and time of next meeting
- 7) Adjourn


Murt Toomey, Chairman
Date: November 28, 2012

cc: Town Clerk

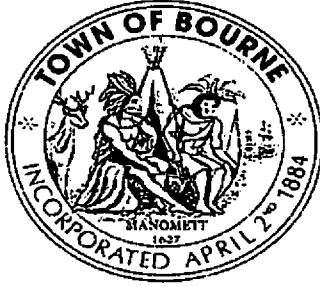
Town Administrator-Board of Selectmen

Committee members: Mulvey, Bell, Graybill, Perry, Toomey

Staff: Coffin, BOH, Mullaney, Cons. Comm; Moore, Plan. Dept.;

Tellier, DPW; Mullen, DNR

Notify: Buzzards Bay Project, Coalition for Buzzards Bay



2012 JAN 27 PM 12 09

TOWN CLERK'S OFFICE
BOURNE, MASS

BOARD OF SEWER COMMISSIONERS

DATE

Tuesday
January 31, 2012

TIME

6:45 P.M.

LOCATION

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

1. Call to Order
2. Approval of minutes: 10.18.11 – 12.20.11
3. Appointment of Finance Committee member Montour to Wastewater Advisory Committee.
4. Discussion of State Revolving Loan Program for Storm water and Wastewater Planning.
5. Adjourn

**Board of Sewer Commissioners
Minutes of January 31, 2012
Bourne Veteran's Building
Buzzards Bay MA 02532**

2012 AUG 15 PM 1 04
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Earl Baldwin, Chairman
John Ford, Vice Chairman
Don Pickard
Peter Meier

List of documents:
None.

Meeting called to order
6:45 pm

Public Comment
None

Approval of minutes
At this time the Board will table the minutes.

Discussion of State Revolving Load Program for Storm Water and Wastewater Planning
Wastewater needs assessment. Tighe & Bond came to Sewer Commissioners with PowerPoint presentation on priorities. As a subsequent step to that, an application was put forward for planning purposes. Town is eligible for a revolving loan, borrowing at 2% up to \$350,000 for planning purpose and up to \$300,000 for stormwater remediation. The town has until October to make determination. Board not being asked tonight to take any position regarding moving forward or not, but rather information.

Sallie Riggs discussed the town's eligibility if it had a Comprehensive Management Water Management (CMWM) plan. More work that needs to be done to obtain said Plan to become eligible for other kinds of funding. In discussions with TA Guerino, the town needs to explore whether it makes sense to take advantage of 2% loan or if there are other ways to fund a consultant to put a CMWM plan together. There is a process that will need to be done over the next several months. In the meantime, Wastewater Committee is looking at various alternatives on handling wastewater capacity for downtown revitalization.

Ms. Riggs inquired about FinCom appointment of Don Montour as a member-at-large. TA Guerino said would have to change the committee's charge to make him a regular member.

Mr. Montour was appointed as an at large member.

No further Board questions.

Approval of minutes

Ford requested to un-table minutes and to move forward with approval of the 12/20/11 and 10/18/11 minutes at this time, pending Town Counsel with regard to Sloniecki resignation.

Ford MOVED and SECONDED by Meier to approve BOSC minutes of 12/20/11 as submitted. VOTE 3-0-1 (Ford abstention).

Ford MOVED and SECONDED by Baldwin to approve minutes of 10/18/11 pending Town Counsel opinion. VOTE 2-0-2 (Pickard, Meier abstentions).

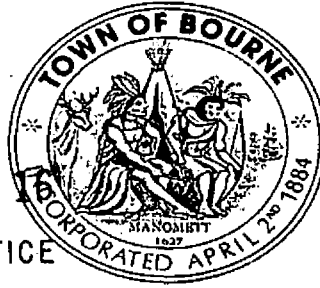
Adjourn

Meier MOVED and SECONDED by Pickard to adjourn. Meeting adjourned at 6:57 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

2012 MAY 24 PM 2

TOWN CLERK'S OFFICE
BOURNE, MASS



BOARD OF SEWER COMMISSIONERS

DATE

**Tuesday
May 29, 2012**

TIME

6:30 P.M.

LOCATION

**Bourne Veterans' Memorial
Community Center
239 Main Street
Buzzards Bay, MA 02532**

- 1. Call to Order**
- 2. Reorganization process**
- 3. Approval of minutes: April 5, 2011 & January 31, 2012**
- 4. Sewer Advisory Committee Update**
- 5. Appointment to Bourne Wastewater Advisory Committee - Elaine Lewis Ryan**

Board of Sewer Commissioners
Minutes of May 29, 2012
Bourne Community Building
Bourne, MA 02532

2012 AUG 15 PM 1 04
TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Earl Baldwin, Chairman
Peter Meier, Vice Chairman
John Ford, Clerk
Don Pickard
Linda Zuern

Guests: Sally Riggs

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

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

Meeting called to order

6:30 pm by Chm. Baldwin

Re-organization process

Similar to process as Selectmen, The Sewer Commissioner's will utilize same contacting the Chairman and the Town Administrator's office to serve in capacity of either chair, vice chair and clerk. At the next meeting the group will re-organize.

Approval of minutes – 4/5/11; 1/31/12

Out of necessity, the full board tonight can vote on the minutes per Town Counsel.

Meier MOVED and SECONDED by Pickard to approve minutes of 4/15/11 as amended.

VOTE 4-0-1 (Zuern).

Meier MOVED and SECONDED by Pickard to approve minutes of 1/31/12 as submitted.

VOTE 4-0-1 (Zuern).

Sewer Advisory Committee Update – Sally Riggs

Ms. Riggs, Chm. of the subcommittee Wastewater Advisory Committee, to inform the board they are at a point to make recommendations to the board in a meeting (workshop format) to

include: the Board of Health, Planning Board, Finance Committee and Capital Outlay Committee.

The committee reviewed going over options for a phased approach for expansion of the Buzzards Bay area. In advance of said workshop, the board will receive the Sewer Commissioners draft report a few weeks ahead of time. Once reviewed, discussion of committee's direction and recommendation review can begin.

Ms. Riggs would like TA Guerino to be present at this meeting and he offered to re-arrange his schedule, if needed. The workshop will be held on 7/10/12. Zuern requested meeting be televised and/or recorded. TA Guerino will ask Superintendent Lamarche for the Middle School Media Center as a potential venue. Another possibility is the front of the Community Building. Ms. Riggs suggested a lecture hall at MMA.

Appointment to Bourne Wastewater Advisory Committee – Elaine Lewis Ryan

TA Guerino said Mr. Montour is a member-at-large. As there are only six (6) members on the committee, he recommends the board appoint Ms. Ryan as an ex-officio member and it would be required to revise the committee charge to add a total of seven (7) members to the committee.

Zuern – asked if this position was advertised. TA Guerino informed the board it was and that there were no other applicants.

Meier MOVED and SECONDED by Zuern to appoint Ms. Elaine Lewis Ryan as an ex-officio member to the Bourne Wastewater Advisory Committee with "a voice, no vote" and to include the re-writing of the Committee Charge. UNANIMOUS VOTE.

Adjournment

Meier MOVED and SECONDED by Pickard to adjourn meeting. Meeting adjourned at 6:48 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



Town of Bourne



Wastewater Advisory Committee Interim Update to Board of Sewer Commissioners March 6, 2012

The Wastewater Advisory Committee has noted that the work outlined in the Proposed Scope of Work presented to the Board last June is extending beyond the projected completion date of January. At this time we would like to update you on what the Committee is doing and suggest that a final report and recommendation will, more likely, be available in the May/June timeframe.

Background

You will remember that the Cape Cod Commission Executive Director created a RESET (Regional Economic Strategy Execution Team) to assist Bourne with its Buzzards Bay revitalization work. One principle focus of that team has been providing technical services to the Wastewater Advisory Committee. At its last report to the Board of Sewer Commissioners, the Committee members and RESET staff presented its review of water and wastewater needs, including a projection of need based on a 20-year build-out scenario for Buzzards Bay, Bourne's Downtown.

Recent Committee Activities

That needs data then guided two evaluation exercises:

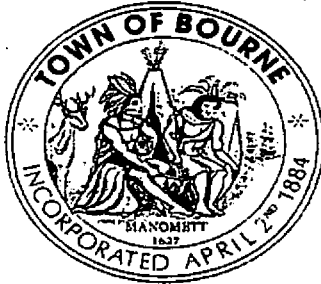
- 1- An analysis of potential sites FOR treated wastewater disposal. Underground disposal of treated wastewater will require a minimum area of three acres. Nine evaluation criteria were identified and ranked in priority of importance by Committee members. Forty parcels of three acres or more north of the Cape Cod Canal and one to the south were then analyzed using the criteria and ranked accordingly.
- 2- An analysis of potential sites for treatment facilities. A treatment facility will require a minimum of one-half acre. Again, nine evaluation criteria were identified and ranked in priority of importance. Thirty-one parcels of one-half acre or more were then analyzed using the criteria and ranked accordingly.

The Committee was guided in these evaluation and ranking exercises by the professional staff of CH2M HILL, an international infrastructure engineering firm providing services to Commission projects.

One important point, and one reason why the Committee's work schedule is being extended, is that the engineers are involving Committee members in every step of the analysis and evaluation. The results thus are not the work only of the professionals, but of people who live and work, and in some cases grew up, in Town. Rather than simply accepting the recommendations made by the previous Tighe & Bond study, or accepting a set of updated recommendations from professionals, Committee members are involved in establishing and ranking the criteria used in the analyses.

Another reason the process is extended is that the Committee is not focusing on just one potential recommendation. It is considering the possibility of a phased response to the projected need. This means analyzing and evaluating several potential options.

As part of developing these potential scenarios, the Committee members, guided by the professionals, will develop and analyze potential costs and financing options. Based on a schedule presented to the Committee members by the CH2M HILL engineers the Committee is targeting a report to the Board of Sewer Commissioners in late April or early May. Following that meeting, the Committee anticipates taking the Commissioners reactions and comments back to the Committee for any adjustments before formulating a final set of recommendations.



2012 AUG 3 PM

TOWN CLERK'S OFFICE
BOURNE, MASSACHUSETTS

BOARD OF SEWER COMMISSIONERS

<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
Tuesday August 7, 2012	6:00 P.M.	Bourne Veterans' Memorial Community Center 239 Main Street Buzzards Bay, MA 02532

1. Call to Order
2. Reorganization process
3. Approval of minutes: May 29, 2012
4. Sewer Inspector George Tribou to give update on sewer system
5. Wastewater Advisory Subcommittee Update – discussion and possible vote on recommendations
6. Update of Wastewater Advisory Subcommittee make-up
7. Wastewater Advisory Subcommittee appointment renewals
8. Neil Langille to speak relative to sewer charges
9. Set FY 13 Sewer rates and Water Overage rates

Board of Sewer Commissioners

**Minutes of August 7, 2012
Bourne Community Building**

Bourne, MA 02532

2012 OCT 18 AM 10 45

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Earl Baldwin, Chairman
Peter Meier, Vice Chairman
John Ford, Clerk
Don Pickard
Linda Zuern

Guests: Sally Riggs

Members of the Press: Diana Barth, Bourne Enterprise and Paul Gately, Bourne Courier

List of documents

- None

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

Meeting called to order

6:00 pm by Chm. Baldwin

Re-organization process

Chairman appointment

Ford MOVED and SECONDED by Zuern to nominate Don Pickard for Chairman of the BOSC.

Meier MOVED and SECONDED by Ford to close nominations for the BOSC Chairman. VOTE 5-0.

Chairman nomination of Don Pickard for the BOSC vote: VOTE 5-0.

Vice Chairman appointment

Meier MOVED and SECONDED by Ford to nominate Linda Zuern for Vice Chairman of the BOSC.
VOTE 5-0.

Clerk appointment

Ford MOVED and SECONDED by Pickard to nominate Peter Meier as Clerk of the BOSC.
VOTE 5-0.

Approval of minutes – 5/29/12

Ford MOVED and SECONDED by Meier to approve minutes of 5/29/12 as submitted. VOTE 5-0.
Chm. Pickard requested TA Guerino to put BOSC minutes onto the website.

Sewer Inspector George Tribou to give update on sewer system

TA Guerino asked the board to consider looking at Item #9 for questions relative to the operations as it goes with the rates.

Mr. Tribou personally rates the sewer system as fair-to-poor. A lot of equipment has been changed and money spent (changed vents, air discharges, ventilation systems in main station for example).

The biggest issue is the grinder pumps where proper discharge numbers are failing and the only way to replace is to dig them up. Wet wells are \$400 a piece (a total of 200 pumps), not including installation.

The other issue is the cleaning and caring of the mains. Visual inspections have been done and have cleaned about 800 feet of the mains over the last 10 years. This is another expense as pump controls are 21 years old. Two (2) pumps at Main Street need to be replaced with some controllers. The price tag is about \$80,000, to which TA Guerino added this expense will be fully funded by the Commonwealth with the Bridge Replacement Program grant.

Mr. Tribou says the Wareham facts are less than he would like to see and not precise. TA Guerino said Mr. Tribou and Mike Leitzel went to Wareham to get new capital numbers and were to there were none. Until the newspaper article came out in July, \$400,000 and \$150,000 expenditures have been approved at Wareham's town meeting. Mr. Tribou said Wareham told him there would be no capital expenditures. Bourne is lacking numbers and didn't budget capital for Wareham.

The IMA provides that Wareham would notify Bourne of future capital expenditures to affect their 17.9%. Bourne doesn't have a "seat at the table" per se, but is welcome to their meetings. In the past there has been good and open set of communications. This has not been the case with Wareham Town Manager Mr. Andrews and the Interim Fiscal Officer. TA Guerino has two calls put in to Wareham and expects to hear back.

Bourne has paid Weston and Sampson to audit Wareham by reviewing billing and formulas within the spreadsheet. Last year Mike Leitzel performed "beta" tests and numbers proved to be correct. Mr. Tribou agreed, but the numbers put in a certain area is what he doesn't like. He added that Wareham hasn't closed their books at this point and it is very tough for Bourne to get precise numbers. Wareham meets as a BOSC/BOS in one meeting, not separate. Contact information is under the Chief Plan Operator.

Question raised about capital costs. Any improvements Cohasset Narrows, Depot Street, etc to treatment plan directly affects Bourne sewer will continue to get charged 17.9%. This is Bourne's own internal system.

Mr. Tribou discussed with TA Guerino and recommends using Engineering money in the budget to hire Weston & Sampson for a quick critical needs review for the system itself and to go to capital to rectify. TA Guerino added this would also include a camera viewing of the system this year which would cost about \$9,000 and is in the budget.

Mr. Tribou explained old pump parts are not available for the old system. New pumps require a vent where the old ones didn't. Bourne is responsible for all the grinder pumps (from house to street), and all wires from the pump to the house. Gravity feed cannot be done at Taylor's Point.

Zuern – asked for clarification of the \$400 per unit price tag. Mr. Tribou said the cost to replace depends on the depth of each. He gave a number of approximately \$1,400 for some pumps that require "confined space" (which includes three people to do the work). Zuern asked if Bourne can change the complete unit. Mr. Tribou said the units are sitting in concrete and cannot be change outside, just the one fitting and have all copper parts.

Ford – asked for clarification of budget line items. TA Guerino will provide budgeted amounts for FY12, actual amount for FY12 and an estimate amount for FY13 for better clarification.

Ford – Bourne is anticipating building up reserves with new businesses and is currently utilizing 55% of this. Bourne will use closer to 90% with said businesses and would have a lot more money for capital reserves stabilization.

Zuern – commented on having \$200,000 less for next year with regard to water overage fees. TA Guerino said the numbers are estimates and if more goes through, the more revenue and fees could go down or go towards retained earnings for capital expenditures.

Ford – commented on how reserve funds are not shown every year. TA Guerio explained Bourne always had a reserve fund, but didn't spend any out of from those years.

Neil Langille to speak relative to sewer charges

1. It is not equitable for seasonal people to pay full price;
2. Taylor's Point Marina should pay more than two connections as should some other municipal buildings (Police, Fire and Town Hall for example); and
3. Issue with residential water is for watering lawns, gardening is going back into sewer. He recommends Taylor's Point people given a break on their fee and any any monies coming in from the State to pay for boat discharges.

TA Guerino – Bourne receives grant money relative to pump out boat activities and the purchase of pump out boats. Monies are rolled over and help to pay for staffing to some degree and the upkeep for pump out activities, which is close to a wash. The State mandates the pump out system and Bourne has a responsibility for its own waterways and beaches.

Ford - referred to BOSC minutes of 12/13/11 where pump outs were discussed. The marina has its own hook up and pays its own fee. The argument is that seasonal people should have a break with the year round people to pay the difference. The numbers were done with TA Guerino and when more businesses come "on line", the town will have more money to put into the capital (assisted living for example).

TA Guerino – explained the difference between water overage is different from sewer overage. Sewer overage is at 45,000 gallons and water overage is about 15,000 gallons less approximately before charges start. Relative to the municipals, they pay like a homeowner and pay overages pay the same rate in the municipality "district". Issue of water overage is a choice (lawn watering). Installation of outflow meters are expensive, not accurate and don't make sense to do. With regard to seasonal, capital cost were set in the 1980s. The options were: 1) by usage and fixed fee; or 2) go with a fixed fee to cover cost with an overage. The town chose to go with a fixed fee and add the overage in 1989.

Chm. Pickard – the issue is wastewater, and agrees the BOSC needs to meet monthly.

Mr. Langille offered his assistance to the board. \$20,000 grant TA Guerino will talk with Ms. Marzelli with regard to a \$20,000 grant.

Ford – added the more you reduce rates, the more someone else has to pay.

Meier – requested to put audit on Wareham at a future meeting. TA Guerino suggested to wait until hear hears back from the calls he put into Wareham.

TA Guerino recommends the rates remain the same, which have not changed for three years.

Ford MOVED and SECONDED by Baldwin to approve to keep the rates the same for \$734/connection. VOTE 4-1 (opposition from Meier).

Sewer Advisory Subcommittee Update – Sally Riggs – discussion and possible vote on recommendations

Ms. Riggs, Chm. of the subcommittee Wastewater Advisory Committee (WAC) introduced the committee members and the Cape Cod Commission RESET team. Tonight's discussion is a follow up to meeting on 7/10/12. Report and recommendations submitted and were asked to come back with information on costs as the next step.

Project is to involve a public/private relationship – town responsible from pipes to subservice disposal field and area itself. Recommend the subsurface be underneath Queen Sewell and reserve behind the community center.

Town could engage a contract worker or p/t employee as a point of contact to move process along. This is projected to cost the town \$225,000 over a period of two years. Ms. Riggs said she has been in touch with the State to help cover the costs.

She explained Column B – 50 hours/month for 2 years that they are confident in the numbers; Column A – additional expertise - \$165,000 could be less if a contractor or employee has experience.

No further comments from the WAC.

Michele Ford – Chm. of Finance Committee, personally recommends to begin exploring as the costs will increase; it is the beginning to own vs. regulated. She is in favor of decision to allow committee to begin the next step of exploration.

Mary Jane Mastrangelo – Capital Outlay, said Bourne needs to identify work for the wastewater treatment and for subsurface disposal.

Zuern – asked about transmission costs. Ms. Riggs said the expansion is for 100,000 gallons; the total capital cost is about \$8.5M (shared by the town and developer). \$2.5M on town side, with over \$5M on the developer side. Zuern asked if anyone was interested in a public/private partnership. Mrs. Riggs said there is and developer is very interested but at this time it is not appropriate to discuss further. Ms. Zuern is personally not ready to go forward as she would like to work some questions out prior to moving forward.

Ms. Riggs - asking for board endorsement of the concept to move forward.

Zuern – asked the size of the treatment plant size. It would take up $\frac{1}{4}$ - $\frac{1}{2}$ acres with multiple buildings. The major building is 40' x 60-70'; the smaller buildings would be enclosed with entrance and parking areas are architecturally designed to fit the community. They will be odor controlled, 1 $\frac{1}{2}$ stories tall with one the smaller buildings will be 2 stories tall.

Ford – asked how close the treatment buildings will be. $\frac{1}{4}$ - $\frac{1}{2}$ acre. Ms. Riggs suggested a site visit for buildings used in other towns.

Ford – asked about what would be done with the build-up of raw sewage. It was explained that the facilities are required to have back-up generators which are separately fueled to come on-line if the facility went down.

TA Guerino – it would be a closed system with transmission areas that are underground leaching systems.

Chm. Pickard – feels the WAC is asking for endorsement of concept but also asking for endorsement for funds. Ms. Riggs said this is not so. The concept gives the ability to continue work. How the town would like to move forward are questions to be dealt with later.

Chm. Pickard – asked where the \$225,000 would come from if board endorse concept and does it require Fall Town Meeting approval.

Ms. Ford (FinCom) – would like to see WAC authorization to continue research and come back with recommendations.

Ms. Mastrangelo (Capital Outlay) – would like the WAC come before the Capital Outlay Committee for further consideration and Capital Outlay recommendation.

Meier MOVED and SECONDED by Baldwin that the BOSC endorse the WAC concept plan action items and to instruct commitment with Capital Outlay is the first visit.

Motion Discussion

Zuern – not in favor of endorsing the action items as a whole.

Baldwin – will endorse the principal and feels he and Zuern can participate and report back to the board.

Ford – concurs with Zuern.

Meier – withdraws his original motion.

Meier MOVED and SECONDED by Baldwin to endorse the WAC concept as brought forward and charge the WAC to look at the action items and to come back to BOSC with recommendations for expenditures in pieces.

Mr. Mulvey – feels the board doesn't have enough information to endorse a concept and believes it is too broad; if endorse the concept, you are endorsing the concept of 2 sewer treatment and disposals. He recommends putting money into what exists now for updating the town needs to serve downtown area now.

Zuern – concurs with Mr. Mulvey and suggests the board amend the motion to reflect acceptance of the concept going forward and to continue research, but not to endorse the concept itself.

Stanley Andrews – the concept discussion is for downtown district only and not to go over Queen Sewell Park. The WAC cannot move forward until the board endorses the concept. He agrees the BOSC to meet more frequently.

Chm. Pickard – asked about Action Item #7. Ms. Riggs said it refers to the fact that there was some consideration of a town treatment facility on a town-owned parcel and a vote to reserve a certain number of acres if everything in town fails. Bourne Development Campus is a totally different project.

Ms. Riggs – the WAC is not asking for a concept to build facility, but rather the concept of moving forward, steps taken to get the answers to the questions the board is looking.

Mr. Mulvey and Mr. McVee – are opposed to this concept.

Zuern – partnership meant to assist in getting land and tonight share a cost was discussed.

Ms. Riggs – going back to why the town is doing this; to benefit the town and the town residents with limited growth capacity.

TA Guerino – added as part of the board goals is to control the town's own destiny as it relates to control.

Mr. Mulvey – looking to re-sewer an area already sewered.

Chm. Pickard – we need to continue to be vigilant.

Vote on motion on the floor:

VOTE 5-0. Unanimous.

Update of Wastewater Advisory Subcommittee make-up

Subcommittee make up to include 1 to 2 financial experience members, 3 members-at-large and an exoficio member from the Water Protection Collaborative. Chm. Pickard asked if it made sense to expand committee to include other villages. TA Guerino said not at this time but may need another separate committee to include other villages.

Meier MOVED and SECONDED by Baldwin to approve the updated charge as presented by the WAC submitted on 8/7/12 as amended. VOTE 5-0.

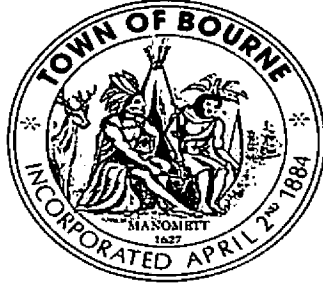
Wastewater Advisory Subcommittee appointment renewals

Meier MOVED and SECONDED by Baldwin to appoint: Stanley Andrews, Mary. (GET appointments and titles FROM PETER) for terms to expire 6/30/14. VOTE 5-0. TA requested newly appointed WAC subcommittee members to come into Town Hall to pick up appointments and to be sworn in by Town Clerk.

Adjournment

Meier MOVED and SECONDED by Ford to adjourn meeting and go into BOS regular session meeting. Meeting adjourned at 8:01 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.



2012 SEP 14 PM 12 39

TOWN CLERK'S OFFICE
BOURNE, MASS

BOARD OF SEWER COMMISSIONERS

DATE

**Tuesday
September 18, 2012**

TIME

8:15 P.M.

LOCATION

**Bourne Veterans' Memorial
Community Center
239 Main Street
Buzzards Bay, MA 02532**

1. **Call to Order**
2. **Approval of minutes: August 7, 2012**
3. **Update and report by Wastewater Advisory Subcommittee and possible vote by Sewer Commissioners**
4. **Adjourn**

Board of Sewer Commissioners

Minutes of September 18, 2012

Bourne Community Building

Bourne, MA 02532

2012 OCT 25 AM 11 35

TOWN CLERK'S OFFICE

BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Guests: Sally Riggs, Mary Jane Mastrangelo, Stanley Andrews, Mary Andrews, Don Montour

Members of the Press: Diana Barth, Bourne Enterprise

List of documents

- Wastewater Advisory Committee chart, dated 9/18/12 – 1 page

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

Meeting called to order

8:20 pm by Chm. Baldwin

Approval of minutes – 8/7/12

Meier MOVED and SECONDED by Zuern to approve minutes of 8/7/12 as submitted. VOTE 5-0.

Update and report by Wastewater Advisory Subcommittee and possible vote by Sewer Commissioners

The last time this committee met with this Board, they charged the Wastewater Advisory Committee (WAC) to look at the action items proposed in the Wastewater Management Planning report and come back to you with recommendations for expenditures. The discussion included the Boards request that the committee meet with the Capital Outlay Committee.

The Boards have had two joint meetings. At the last one, the Capital Outlay Committee voted unanimously to recommend an article on the warrant for the October Town Meeting that would authorize the expenditure of up to \$145,000 for early planning steps. It was also recommended that the BOSOC adopt the sequence of planning and scope of funding as laid out on the handout.

The front side is a version of the document reviewed at the last meeting. The lower amounts are the result of the two committees working on the premise that a part-time or contract town employee (as shown in Column B on the spreadsheet) would be able to take some of the actions that previously had appeared in Column A as expenses.

The reverse side shows a recommendation for a planning timeline. The two left-hand columns show the initial steps as recommended in the report.

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Baldwin MOVED and SECONDED by Meier to approve an article at the October Special Town Meeting to fund up to \$145,000 to support the schedule for Downtown Wastewater Management Plan to be spent over a period of two years. VOTE 5-0.

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Adjournment

Meier MOVED and SECONDED by Zuern to adjourn meeting. Meeting adjourned at 9:10 pm. UNANIMOUS VOTE.

Respectfully submitted,
Lisa Groezinger, sec.

**Board of Sewer Commissioners
Minutes of September 18, 2012
Bourne Community Building
Bourne, MA 02532**

2013 MAR 1 PM 1 28

TOWN CLERK'S OFFICE
BOURNE, MASS

TA Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Peter Meier, Clerk
Earl Baldwin
Linda Zuern

Guests: Sally Riggs, Mary Jane Mastrangelo, Stanley Andrews, Mary Andrews, Don Montour

Members of the Press: Diana Barth, Bourne Enterprise

List of documents

- Wastewater Advisory Committee chart, dated 9/18/12 – 1 page

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

Meeting called to order
8:20 pm by Chm. Baldwin

Approval of minutes – 8/7/12

Meier MOVED and SECONDED by Zuern to approve minutes of 8/7/12 as submitted. VOTE 5-0.

Update and report by Wastewater Advisory Subcommittee and possible vote by Sewer Commissioners

The last time this committee met with this Board, they charged the Wastewater Advisory Committee (WAC) to look at the action items proposed in the Wastewater Management Planning report and come back to you with recommendations for expenditures. The discussion included the Boards request that the committee meet with the Capital Outlay Committee.

The Boards have had two joint meetings. At the last one, the Capital Outlay Committee voted unanimously to recommend an article on the warrant for the October Town Meeting that would authorize the expenditure of up to \$145,000 for early planning steps. It was also recommended that the BOSOC adopt the sequence of planning and scope of funding as laid out on the handout.

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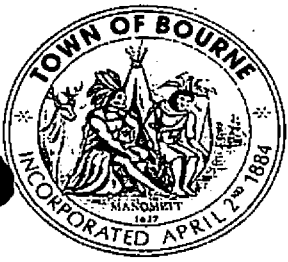
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Respectfully submitted,
Lisa Groezinger, sec.



Board of Sewer Commissioners Meeting Notice AGENDA



Date:

Tuesday
October 23, 2012

Time:

7:00 P.M.

Location:

Bourne Veterans' Memorial
Community Center

1. Call meeting to order
2. Minutes: September 18, 2012
3. Discussion regarding Regional Waste Water Authority – BOSC position and possible letter to County Commissioners/Cape Cod Commission.
4. Other Business – Possible Agenda Items for November meeting
5. Adjourn

2012 OCT 19 PM 2:28
TOWN CLERK'S OFFICE
BOURNE, MASS.

Board of Sewer Commissioners, 15 PM 4 20
Minutes of October 23, 2012
Bourne Veterans' Memorial Community Building
Bourne, MA 02532
TOWN CLERK'S OFFICE,
BOURNE, MASS.

TA Guerino

Don Pickard, Chairman
John Ford, Vice Chairman
Peter Meier, Clerk (excused)
Earl Baldwin
Linda Zuern

Members of the Press: Diana Barth, Bourne Enterprise; Paul Gately, Bourne Courier

Call meeting to Order
Chm. Ford at 7:08 pm.

Approval of Minutes – 9/18/12

Zuern MOVED and SECONDED by Baldwin to approve minutes of 9/18/12 as amended.
VOTE 4-0.

Discussion regarding Regional Waste Water Authority – BOSC position and possible letter to County Commissioners/Cape Cod Commission

The board requests TA Guerino to draft letter to the Cape Cod Commission, Cape Cod Collaborative and Assembly of Delegates and Commissioners of Bourne's position of No Cape Cod Resource Authority.

TA Guerino – if approved by the board, we can schedule a meeting prior to Special Town Meeting to sign.

Ford MOVED and SECONDED Zuern request TA Guerino draft letter to the Cape Cod Commission, Cape Cod Collaborative and Assembly of Delegates and Commissioners indicating the board's position of being opposed to a taxing authority.

TA Guerino – meet with Wastewater Advisory Committee representative with regard to charting a course on moving forward so it doesn't 'sit'.

Pickard – recognized a vacant seat on the Cape Cod Collaborative and asked about a Selectmen appointment of a citizen representative. TA Guerino draft a Charge for the board's review.

Adjournment

Ford MOVED and SECONDED by Zuern to adjourn meeting and go into Selectmen regular session meeting. Meeting adjourned at 7:13 pm. UNANIMOUS VOTE.

Respectfully submitted,
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