



CHARTER COMPLIANCE COMMITTEE  
Town of Bourne  
24 Perry Avenue  
Buzzards Bay, Ma 02532



Charter Compliance Committee  
MAY 17, 2018  
3 P.M.  
Bourne High School Library

Agenda

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

**All items within the meeting agenda are subject to deliberation and vote(s) by the Charter Compliance Committee.**

3:00 P.M. Call session to order

Charter Violation by members of the Board of Selectmen of Section 3-3,  
Policy Role and Section 4 Authority and Role of the Board of Selectmen.

Approval of minutes for the April 17, 2018

All residents are welcome and encouraged to attend the meeting

*Amy Kullar*

Amy Kullar

Chairman of the Charter Compliance Committee

RECEIVED  
2018 APR 27 PM 1:09  
TOWN CLERK BOURNE

**Richard W. Conron  
29 Mashnee Road  
Gray Gables  
Bourne, MA 02532**

**RECEIVED**

**2018 APR -3 AM 10:02**

**TOWN CLERK BOURNE**

Charter Compliance Committee  
C/O Bourne Town Clerk  
Bourne Town Hall  
24 Perry Avenue  
Buzzards Bay, MA 02532

**April 3, 2018**

Dear Committee Members,

The purpose of this letter is to request a convening of Bourne's Charter Compliance Committee to investigate and hold a public meeting that clarifies a possible violation of both the Town Charter and the Board of Selectmen's Rules of Procedure.

In the March 30, 2018 edition of the Bourne Enterprise weekly newspaper, a "Letter to the Editor" was submitted by two members of the Board of Selectmen, Judith M. Froman and Donald J. Pickard. The letter is titled "Sorry for Confusion at Town Meeting". A copy of this newspaper letter is attached to this review request.

In our opinion, this letter is a Charter violation, Section 3-3, Policy Role, because it appears to us that certain statements represent the opinion of the entire Board of Selectmen and what is written was never discussed or approved by a majority of the Board of Selectmen. It also violates the Rules of Procedure, Section 4 Authority and Role of the Board of Selectmen, "No actions representing the Board shall be taken by a member or members of the Board without the prior consent of a majority of the Board made at an open meeting. This shall be modified in the event of an emergency should immediate action be required in which case, the Chairman, Vice Chairman, or any Board members shall call an emergency session of the Board prior to the emergency action."

These violations are documented in the 4<sup>th</sup> and 5<sup>th</sup> paragraphs of the Froman/Pickard letter.

In paragraph 4, the opening sentence begins with "For the board of selectmen's part". This letter is authored by only two members of the board of selectmen and only represents two opinions.

In paragraph 5, the opening sentence starts as follows "As your elected leaders we apologize". Here again, we feel these six words indicate the support of the full Board and any type of apology was never discussed and supported by a majority of the Board of Selectmen.

From a personal point of view, we see this letter written by two Selectmen as very divisive and threatens the integrity of both our Board of Selectmen and our Town Administrator. Paragraph 4 of the Froman/Pickard letter implies that the town administrator's actions were biased and not in the best interest of the town. We find this accusation totally unfounded in fact; the basis for this statement appears to be the two writers' personal opinions. In addition, the paragraph 2 serves to

undermine public faith in the town administrator, town counsel and board chairman. Words like this are in conflict, ethically, with the role of the Board of Selectmen; serving the best interests of town.

We are the first to admit that having a group of 5 diverse individuals leading and directing a multi-million-dollar municipal business is not easy. Good decision making that adds value to a town requires a strong partnership between elected officials and municipal professionals. We need a "All for One" and "One for All" focus to add value to Bourne, our neighborhoods and increase the net worth of property everyone own. Methods and letters like the one published on 3/30/18 promote citizen confusion and leadership instability.

Sincerely



Richard W. Conron  
Tel: 508-759-1559



Judith W. Conron

## Attachment #1

# Sorry For Confusion At Town Meeting - Letter

- 1 hr ago

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1. [Home](#)
2. [Bourne](#)
3. [Bourne Opinion](#)

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8 remaining of 10

**Checking back?** Since you viewed this item previously you can read it again.

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Sitting through the Special Town Meeting on March 26, 2018, was not the highlight of our careers as selectmen for the Town of Bourne. When asked by a member of the press, "When did the Special Town Meeting (STM) get derailed?" we believe the process was faulty since the fall of 2017.

In brief, the town administrator and board relied upon information from the Massachusetts Municipal Association that was either erroneous or incomplete. Since the fall of 2017, there was awareness that the State Cannabis Commission would begin accepting applications for recreational marijuana retail, cultivation and related activities starting April 1, 2018. There was mention that there may need to be a February Special Town Meeting, but there was no urgency presented to the board until after February 13, 2018, following the town administrator, the chair of the board of

selectmen, and town counsel's meeting with an attorney affiliated with the Massachusetts Municipal Lawyers Association. There now seemed to be concern that towns like Bourne with moratoriums on recreational cannabis retail and related business "may not be protected." The town administrator, chair of the board of selectmen, and town counsel rushed the board of selectmen on February 27 to hold a STM before April 1, 2018. As it turned out after the STM date was set, a communication from the Attorney General written in February indicated that towns with moratoriums would be protected. That was a game-changer for the urgency and the need for a STM.

The town administrator had the proposed zoning bylaw article to prohibit the cultivation or distribution of recreational marijuana created by the town planner in December 2017. This action raises a perception of bias on the part of the town administrator in his wanting to ban the recreational marijuana operations.

For the board of selectmen's part, we should have insisted that documentation regarding the moratorium which was voted by the citizens of Bourne at previous Town Meeting was valid. We should have taken steps to hold the town administrator more specifically accountable, bring the planning board on to actively address the zoning issues. The board of selectmen would then have begun the process of having public forums on the topic as well as draft proposed host community agreements and take necessary steps to tax the recreational operations.

As your elected leaders we apologize for the confusion related to the recreational marijuana topic at Town Meeting. We will work to assure that there is never this level of confusion in the future.

*Judith M. Froman, Donald J. Pickard, Bourne Selectmen*

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