

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: December 5, 2006

Date of Transcription: December 10, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

The meeting was called to order at 7:25 P.M.

II. ROLL CALL

Selectmen Present: Renee Fernandes-Abbott, Chairman
Brenda Eckstrom, Clerk
Bruce Sauvageau
Jim Potter

Selectman Absent: Mary Jane Pillsbury

Present: Michael Hartman, Town Administrator

MOTION: Selectman Eckstrom moved to open the FY2007 Classification hearing. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved to table the FY2007 Classification hearing. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved to open the hearing for American Pizza & Grill II. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved to table the hearing for American Pizza & Grill II. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved to open the Show Cause Hearing for Shooter's Restaurant. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved to table the Show Cause Hearing for Shooter's Restaurant. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

III. BANS

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

Present before the Board: John Foster, Town Treasurer/Collector
Mary Ann Silva, Town Clerk

Mr. Foster stated that the Town received four bids for its bond anticipation notes (BANS) of \$2,587,000. He stated the bid was awarded to Eastern Bank. The bonds represent work at the Middle School, sewer pump station, a new boiler, & new sewer planning. These bonds come due 3/3/07 & the hope is to finance the Middle School debt at that time.

Chairman Fernandes-Abbott explained that the Town is only renewing part of the BANS for 105 days. In the future, these will be permanently financed. Discussion ensued re: the amount of days & bonds going out permanently for the Middle School. Mr. Foster stated the State has come through w/ its percentage of the Middle School project, but it is still an on-going matter to finalize a draft audit.

MOTION: Selectman Eckstrom moved for the board to approve the sale of a \$2,587,000 3.75% bond anticipation note of the town dated December 15, 2006 and payable March 30, 2007 to Eastern Bank at par and accrued interest plus a premium of \$770.18. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the consent to the financial advisor bidding for the note as executed prior bidding of the note is hereby executed. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Mr. Foster stated the Board would need to sign the final bond documents later this week.

Ms. Silva noted that dog licenses for 2007 would be available at her office on 12/11/07. The cost is \$13.00 for an un-altered dog & \$10.00 for an altered dog.

Chairman Fernandes-Abbott stated the Sewer Commissioners voted to increase the sewer rate. She stated there are several options that can be followed. 1) Do a subsequent billing or 2) send out the entire increase in the second half billing. She asked Mr. Foster what the cost would be for a subsequent billing. She expressed concern re: a subsequent billing being due when excise & tax bills are due at the same time. Mr. Foster stated a subsequent mailing would cost approx. \$2,500. The semi-annual usage bills have been sent out. He doesn't know if the billing software being utilized could handle the subsequent billing. He stated the omitted bills must go out. He discussed the excise, real estate bills, & sewer bills that will be going out around the same time.

IV. FY2007 CLASSIFICATION HEARING

Present before the Board: Mr. Keefe, Director of Assessing
Mr. Curry, Chairman of Board of Assessors

MOTION: Selectman Eckstrom moved to take the FY07 Classification Hearing off the table. Selectman Potter seconded.

VOTE: Unanimous (5-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

Chairman Fernandes-Abbott explained the purpose of the hearing.

Mr. Keefe discussed the classification process. (Attached as reference). He discussed the residential factor for FY07, how the lowest possible residential factor for FY07 is computed, worst-case scenario, & the pros & cons of adopting a residential factor of one. (Attached as reference). He discussed a residential exemption & a small commercial exemption. (Attached as reference).

Mr. Keefe discussed the opinion of the Board of Assessors & that the Board of Directors held a meeting and concluded that a residential factor of 1 should be adopted.

Chairman Fernandes-Abbott feels that information shows no ground being gained on the industrial/commercial side. Mr. Curry discussed the boom in the real estate market that has resulted in a percentage loss of the commercial side. Selectman Sauvageau feels the rate has been reduced by half which means taxes have been cut in half, but the appreciation/valuations have increased which eliminates any value of a tax savings. He explained that a normal community would be 60% residential & 40% commercial. The information being shown doesn't mean that commercial entities are leaving the Town; it means that the residential side is growing more than commercial. He feels there is a need for the Town to be more aggressive in economic development.

Mr. Potter feels the information shows there is some relief, but is it the community's desire. Discussion ensued. Mr. Potter discussed the two types of commercial entities in Town. He feels the information is more from existing commercial entities & that commercial entities target this area for a specific reason. Selectman Sauvageau feels this would be true if the commercial base was close to normal, which he discussed briefly.

Audience members were asked for comments or questions.

Present before the Board: Joy Silverman

Ms. Silverman asked if people (seniors) are utilizing the tax deferral program. She briefly discussed what this program is. Mr. Keefe discussed this program & indicated that few people take advantage of it. He feels there are no more than ten seniors who have taken advantage of this program. He has also spoken at the senior center on this topic, but he feels seniors are reluctant.

Ms. Silverman stated the program is noted on the tax bills, but it is on the back & in small type & it doesn't explain the program in detail. She asked if there is a large project of current status that could effect or progress the Town to a different rate. She feels this could be a future discussion at the next classification hearing.

MOTION: Selectman Eckstrom moved to close the hearing. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board adopt a residential factor of "1". Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

The Board members proceeded to sign the pertinent documents.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

NOTE: The meeting proceeded w/ item VIII. Licenses & Permits – A. Hearing – Application for a Year Round Common Victualer Wines & Malt Beverages License for Mario & Caio Corporation d/b/a American Pizza & Grill II, 3136 Cranberry Highway, East Wareham, under the provisions of MGL c.138.

MOTION: Selectman Eckstrom moved to remove the hearing for American Pizza & Grill II off the table. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Present before the Board: Mario Goncalves

Mr. Goncalves stated this will be a second business & he will open at a second address, which is the old Franca's building. He briefly discussed the menu & they would like a license to sell beer & wine. He has not been TIPS trained. Chairman Fernandes-Abbott explained TIPS training which is a requirement of the Town. She noted that the previous business that was there (Grandma's Pie Shop) has turned in their liquor license.

Mr. Goncalves turned in the green return receipts. He stated they anticipate opening in three weeks. His first, original business (American Pizza & Grill) does not serve beer & wine, thus, this second business will be the first to sell beer & wine.

No one spoke for or against the application.

MOTION: Selectman Eckstrom moved to close the hearing. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve the application for a Year Round Common Victualer Wines & Malt Beverages License for Mario & Caio Corporation d/b/a American Pizza & Grill II, 3136 Cranberry Highway, East Wareham, under the provisions of MGL c.138. Selectman Potter seconded.

VOTE: (3-0-1)

Selectman Sauvageau abstained

NOTE: Selectman Sauvageau abstained because he is a frequent customer of the first establishment.

**V. CITIZENS PARTICIPATION
(NONE)**

VI. ANNOUNCEMENTS

- A. Selectman Potter attended Christmas in the Parks in Onset & feels it was well attended.
- B. The next meeting of the Board will be on 12/19/06. It will be the Board's Annual Recognition Night. The Board's schedule after this meeting will be the first & third Tuesday of every month, but there may be special meetings called in the interim.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

VII. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.

MOTION: Selectman Eckstrom moved the Board approve application #8 from RJV Construction Corporation in the amount of \$323,668.09 re: the Briarwood Beach & Beaver Dam Estates sewer project. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80241312/10 from Camp, Dresser & McKee in the amount of \$29,704.74 re: residential engineering services during sewer construction in the Briarwood Beach area. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80241310/11 from Camp, Dresser & McKee in the amount of \$13,581.97 re: resident engineering services during sewer construction in the Rose Point area. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80241313/14 from Camp, Dresser & McKee in the amount of \$6,882.70 re: engineering services for the GS services during sewer construction in the Briarwood Beach area. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80241311/15 from Camp, Dresser & McKee in the amount of \$4,907.42 re: engineering general services during sewer construction in the Rose Point area. Selectman Potter seconded for discussion.

NOTE: Selectman Potter questioned overhead costs at 115% & how CDM can go over 100%. The Administrator stated it depends on the contract w/ CDM. He stated it could go over 100% due to design. He explained front office rates up front vs. built into an hourly rate. Brief discussion ensued.

Selectman Potter asked that CDM be questioned as to how they establish these numbers. Chairman Fernandes-Abbott stated that the Administrator could ask a member of the CDM management.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board approve invoice #80240746/11 from Camp, Dresser & McKee in the amount of \$5,644.58 re: engineering services to perform a Phase I infiltration/inflow program for the Town of Wareham. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

- B. Interview &/or appoint applicants to boards, committees, & commissions: Marine Resources Commission & Open Space Committee.

Present before the Board: Sandra Slavin, Applicant for Open Space Committee
Alan Slavin, Applicant for Marine Resources Commission

Chairman Fernandes-Abbott asked Mrs. Slavin why she chose to serve on the Open Space Committee. Mrs. Slavin stated she is a member of the Minot Forest Committee & she feels she would be a good addition to the Open Space Committee to help the Town. She also has time to get involved presently.

Selectman Eckstrom thanked Mrs. Slavin for applying & getting involved. Selectman Potter concurred & stated there is a concern over the Open Space Plan & asked Mrs. Slavin if she could assist w/ this plan & its status. Mrs. Slavin explained that she understands that the Open Space Committee/Plan needs to be involved w/ the Planning Board.

Selectman Sauvageau discussed open space & that the Town has tried to address open space w/ the CPA. He supported the CPA for the acquisition of open space. He asked Mrs. Slavin how important it is to her to preserve the CPA for open space. Mrs. Slavin explained the other intentions of CPA, for example, low-income housing & historic preservation. Selectman Sauvageau asked Mrs. Slavin if the Town should spend more CPA money on open space. Mrs. Slavin stated it depends what comes before the CPC.

Selectman Potter noted that w/ an approved Open Space Plan, the Town would be eligible for grant funding.

Chairman Fernandes-Abbott explained what the Marine Resources Commission is responsible for, mainly, the Harbor Management Plan.

Mr. Slavin discussed the coastline of the Town, his experience w/ the Division of Marine Fisheries, & other pertinent experience. He feels has the potential to reap the rewards of a commercial & recreational coastline uses.

Selectman Potter asked what Mr. Slavin's opinion is on the dock/pier moratorium. Mr. Slavin stated people want nice things, but they don't always understand the damage that they do. Selectman Eckstrom stated that this is one of the key pieces on the DEP website which deals w/ the protection of eelgrass. Mr. Slavin discussed the depletion of fisheries.

MOTION: Selectman Eckstrom moved the Board appoint Sandra Slavin as a member to the Open Space Committee to a term to expire 6/30/09. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved the Board appoint Alan Slavin as an associate member to the Marine Resources Commission to a term to expire 6/30/07. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

VIII. LICENSES & PERMITS

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

- A. Done.
- B. Show Cause Hearing for Liquor License held by Kaimo Corporation d/b/a Shooter's Restaurant & Sports Bar, Jacqueline M. Hoban, Manager, 2691 Cranberry Highway, Wareham, MA should be modified, suspended, revoked or canceled based upon MGL c.138, s.64, to wit: violation of MGL c. 138 §69 & 204 CMR 2.05(2) & in violation of the Board of Selectmen policy #88-14A Rules & Regulations.

MOTION: Selectman Eckstrom moved to remove the Show Cause Hearing for Shooter's Restaurant from the table. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Attorney Jeff Honig will be running the hearing for the Board of Selectmen.

Present before the Board: Lt. Irving Wallace, Wareham Police Dept.
Attorney Len Bello
Mr. Hoban
Jacqueline Hoban

Chairman Fernandes-Abbott read the hearing notice into the record. Attorney Honig swore in all those who will be testifying.

Lt. Wallace & Attorney Bello stated they would waive their opening statements.

Present before the Board: Daniel Bingham

Lt. Wallace asked Mr. Bingham questions relative to events that took place on 11/11/06 around 6:00 P.M. Mr. Bingham's responses are as follows:

Mr. Bingham stated he was on Rte. 28 near Robertson's when he observed a black Dodge that came out of the end of Shooter's entrance. The truck was going back & forth across the yellow lines & was all over the road. The person driving appeared to be drunk. The whole vehicle was over the yellow line. The vehicle came from Shooter's & proceeded to Pomodore's. This is approx. 1.5 miles. Mr. Bingham stated he called the police & told the police re: the actions of the car. Mr. Bingham stated he pulled into Pomodore's & parked & kept in touch w/ the police station the whole time.

Attorney Bello asked Mr. Bingham questions relative to this event. Mr. Bingham's responses were as follows:

Mr. Bingham stated he saw the vehicle at about 6:00 P.M. The truck had just pulled out of Shooter's. He doesn't know how long the truck was parked at Shooter's. He had no direct contact w/ the operator of the car & could not identify him. There was no one else in the car. He had no contact w/ the operator of the truck & didn't know what he had to drink or if he was under the influence. The police didn't suggest to him (Mr. Bingham) the operator had been drinking. It took the police three to four minutes to respond to his call. The police were not at Pomodore's when he (Mr. Bingham) left there. He left before they arrived. He didn't see the operator of the vehicle go in Pomodore's & he didn't see him outside in his vehicle.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

After questioning, Lt. Wallace asked if Mr. Bingham could be excused to return to work.

Selectman Sauvageau clarified that Mr. Bingham pulled into Pomodore's parking lot & did nothing. Mr. Bingham stated he turned around & didn't see the operator in the truck & he only saw that it was empty. Lt. Wallace asked Mr. Bingham if it was the same truck he had followed. Mr. Bingham stated it was.

Present before the Board: Sgt. John Walcek, Wareham Police Dept.

Lt. Wallace asked Sgt. Walcek questions pertaining to events on 11/11/06. Sgt. Walcek responses are as follows:

Sgt. Walcek stated on 11/11/06 he was on duty as a shift supervisor. At approx. 5:52 P.M. the department received a call from Dan Bingham, a driver for J&R Towing. The driver indicated he saw a Dodge truck on Rte. 28 near Robertson's Auto Salvage that was all over the road. The driver said that the vehicle had just left Shooter's. This information was relayed to Wareham officers via radio. Sgt. Walcek left the station at this time.

Officers were then informed by dispatch that the truck had pulled into Pomodore's. Officer Scichilone & himself pulled into Pomodore's & saw the truck. They went into the bar area & asked staff if anyone had just come in. The operator of the vehicle was at the bar reading a menu. The officers asked him some questions & then asked him to step outside. The officers walked him out & he fell down the stairs & the officers assisted him. The truck operator (identified as Arthur Cardoza) seemed to be intoxicated. He was placed in protective custody & transported to the police station. He wasn't served at Pomodore's. Sgt. Walcek believed Mr. Cardoza was intoxicated based on his behavior/appearance at the bar & from his (Officer Walcek) numerous drunk-driving arrests.

Brief discussion ensued re: what the legal alcohol limit is & the alcohol content table.

Lt. Wallace spoke re: the alcohol content chart & blood alcohol counts. Attorney Bello objected & feels there are no authenticity to this chart & no professional present to deal w/ said information. Attorney Honig stated Sgt. Walcek is trained in the operation of a Breathalyzer machine. Attorney Bello stated he is only trained in the operation of said machine & he wouldn't be able to testify in court. He would need to know more information, such as how a BAC is determined. Attorney Honig stated rules are relaxed in an administrative hearing such as this. Attorney Bello feels this may be so, but this should be a fair hearing & there is no-one present to make determinations that will be made. Selectman Sauvageau stated that foundation is required in a testimony situation as well as documentation. The Board can weigh it, but he feels he is required to make a statement in terms of the objection. Attorney Honig stated the Board could exclude the evidence if they wish. Brief discussion ensued. Attorney Bello asked for clarification on what the Board is saying. It was stated that the Board supports the objection.

Attorney Bello proceeded to ask Sgt. Walcek questions. Sgt. Walcek responses are as follows:

Sgt. Walcek stated he has been on the police force since 1989 & has been certified to administer the Breathalyzer machine since 1989. He received communication to go to Pomodore's w/ a description of the vehicle in question. He doesn't know how long Mr. Cardoza was inside Pomodore's. He was found seated at the bar w/ no food. When he approached Mr. Cardoza, he looked intoxicated & was swaying slightly. He spoke to Mr. Cardoza & his mannerisms, eye contact,

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etc. were an indication that he had been drinking. He asked Mr. Cardoza to step outside. He didn't have to assist Mr. Cardoza to the exit, but Mr. Cardoza fell on the steps outside which may be due to his drinking. There were no defects or ice on the steps. Mr. Cardoza was handcuffed, put into protective custody, & it was determined that he was a danger to himself & others.

Sgt. Walcek stated he had contact w/ Mr. Cardoza at the police station & another officer had run a check on him. Attorney Bello asked Sgt. Walcek re: his statement relative to Mr. Cardoza's prior arrests. Sgt. Walcek clarified that he meant he made a determination based on making these types of arrests & dealing w/ these circumstances. He discussed distinguishing between intoxication vs. under the influence, how he determines this, & that there isn't a big distinction. He discussed giving field sobriety tests & Breathalyzer tests. He discussed the standards in 1989 re: alcohol levels & he hasn't studied the history of OUI. Attorney Bello noted that the standard was blowing over a .15 since he started practicing law around 1989. Lt. Wallace objected to the line of questioning & he is unclear as to where Attorney Bello is heading w/ said questioning. He clarified that .08 is OUI & .10 relates to protective custody currently. Attorney Bello feels this is not an OUI case. He feels the standard no is if it is .15 or under, you are innocent, thus, this can't be considered intoxication if it is .15. Selectman Sauvageau asked if Mr. Cardoza had not been placed in protective custody, he then drove his vehicle, then pulled over, given a field sobriety & a breathalyzer & he blew a .15 he would have been arrested for OUI & endangerment. Attorney Bello stated Mr. Cardoza was not arrested for OUI in this matter. It was determined he was the driver of the vehicle only through investigation.

Sgt. Walcek then proceeded to Shooter's to see if Mr. Cardoza had been served alcohol there. At approx. 6:00 P.M. he pulled into Shooter's. As he went into the establishment, the owner, James Hoban came to speak w/ him. He was asked if a man matching Mr. Cardoza's description had been served alcohol & just left the establishment. Mr. Hoban stated he had been served & Sgt. Walcek asked to speak to the bartenders.

Sgt. Walcek spoke to a woman named Toni Bryant, an employee. Ms. Bryant stated she served Mr. Cardoza one vodka drink. He had no reason to believe that she was being false in her statement or was prepped before this statement. He doesn't believe she was lying. The other employee, Amanda Ferreira stated she served Mr. Cardoza three or four vodka drinks. Both women stated Mr. Cardoza had been at the bar since approx. noontime. They said all Mr. Cardoza had to eat was popcorn at the bar. They said that Mr. Cardoza was a regular customer. Ms. Bryant added that Mr. Cardoza seems "messed up when he comes in, but not drunk, like he is on medication or something". A statement was made that they think Mr. Cardoza had a stroke. He didn't ask them when Mr. Cardoza left or if he was intoxicated. He didn't know if Mr. Cardoza had a health history.

Present before the Board: Officer Scichilone

Lt. Wallace asked Officer Scichilone questions pertaining to the events on 11/11/06. Officer Scichilone responses are as follows:

Officer Scichilone stated he has been employed w/ the Wareham Police for 20 years. He was dispatched to the area of Robertson's to look for a pick-up w/ Rhode Island plates driving erratically. The person who called the police station was a driver for J&R towing. When he circled back to Pomodore's the truck was there. He went into Pomodore's through the rear door & Sgt. Walcek came through the front. He spoke to the bartender & was told that the bartender knew three of the customers at the bar, but he did not know the fourth person. He asked the bartender

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who just came in & the bartender stated the man at the end of the bar w/ Sgt. Walcek. The guy was hunched over looking closely at a menu. His mouth was open & there was alcohol on his breath. He asked him to step outside & he was unsteady on his feet. He held him by the elbow & on the front steps he stumbled. He was helped down the stairs. He couldn't walk because he was so intoxicated. He was asked if the truck was his & he replied it was. He was put in the police car & a tow truck was called for the truck. The truck was searched. The truck was parked slightly crooked in the parking spot & it was difficult for the tow truck to get the car hitched up. During this time period, he observed Mr. Cardoza & spoke to him & he feels he was intoxicated.

Attorney Bello proceeded to ask Officer Scichilone questions. Officer Scichilone responded as follows:

Officer Scichilone stated he didn't see Mr. Cardoza or his condition at Shooter's. He saw he had trouble walking out of Pomodore's. He had to be helped to stand up. This was at approx. 6:00 P.M. He never saw Mr. Cardoza drive his truck. Mr. Cardoza had slightly slurred speech & he has never seen him before. Officer Scichilone partook in the investigation at the station. He stated Mr. Cardoza was asked at the station where he had been drinking & he said Shooter's. He said he had about four drinks.

Attorney Bello discussed compliance checks & what the duties of the bartenders are to not serve someone who seems intoxicated. Brief discussion ensued. Officer Scichilone stated no patrons at Shooter's were asked about Mr. Cardoza & he discussed his observations at Pomodore's.

Officer Scichilone stated that Mr. Cardoza was only placed in protective custody & was asked questions. He was not read his rights. He answered questions & was cooperative. He was not asked if he was intoxicated. He was asked if he felt ill & a checklist of health questions were asked. No field sobriety test was given. Someone who is held in protective custody is held for a period of time & it depends what he or she has blown on the Breathalyzer how things go from there. Mr. Cardoza was booked, but only placed in protective custody.

Selectman Sauvageau asked if receipts were sought from this patron. Lt. Wallace stated Mr. Hoban showed a copy of Mr. Cardoza's receipt to Sgt. Walcek. He does not have it in hand. Lt. Wallace stated this is the police department's case.

Attorney Bello proceeded to ask Sgt. Walcek questions. Sgt. Walcek responded as follows:

Sgt. Walcek stated he was in charge of the investigation. He went to Shooter's & didn't ask for a receipt or inquire about any other patrons. He is not aware of cameras at Shooter's when they are open & he didn't ask for a video of when Mr. Cardoza was there. He feels he had enough information through his investigation. In his opinion, someone blew a .15 on the Breathalyzer coming from an establishment & he had an obligation to investigate. He didn't ask the other patrons if Mr. Cardoza showed signs of intoxication. He didn't want to make a distraction. He doesn't know any of the bartenders. He assumes people at bars have an alcohol odor about them.

Selectman Eckstrom asked if blood alcohol goes up or down when a person stops drinking. Sgt. Walcek stated it could go up or even higher. Chairman Fernandes-Abbott asked how much it could go up. Sgt. Walcek stated he couldn't say.

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Chairman Fernandes-Abbott asked if it is normal procedure to place someone in protective custody & then give him or her a Breathalyzer. Sgt. Walcek discussed protective custody & stated this incident was not an arrest. He stated there are portable Breathalyzer tests that can be administered. He stated in Town, people are placed in protective custody, given a field sobriety test & then a Breathalyzer is offered. A field sobriety test was not done in this instance. It was not necessary due to Mr. Cardoza's condition. He stated different individuals have different tolerances from alcohol at different levels. Attorney Bello asked if there are different determinations for sex, weight, etc. Lt. Wallace objected to the questioning. Brief discussion ensued. Attorney Honig stated the Board could determine to rule on this objection. The Board concurred they do not need this information.

Attorney Bello stated that it is unknown how long Mr. Cardoza has been drinking or how much he drinks in a day.

Sgt. Walcek left Shooter's & returned to the police station where Mr. Cardoza was being booked. He asked Mr. Cardoza how much he had had to drink & Mr. Cardoza stated "at least three or four vodka & grape fruit drinks". Mr. Cardoza opted to take a breath test w/ a result of .15. He stated he had never had a stroke.

Present before the Board: Toni Bryant

Attorney Bello asked Ms. Bryant questions pertaining to the events on 11/11/06. Ms. Bryant responded as follows:

Ms. Bryant said Shooter's has employed her for two years. She is a bartender there. She has been in this type of business since she was 13. She was working on 11/11/06 from 10:00 A.M. to 6:00 P.M. She has seen Mr. Cardoza several times at the establishment & she identified his tab that day. She stated his tab was opened at 12:18 P.M. He had five drinks totaling \$22.50. She served him one drink. She was there the entire time Mr. Cardoza was & he didn't appear intoxicated. She was there when he left at around 5:00 P.M. Amanda Ferreira is a co-worker & was working this day too. The tab was in Mr. Cardoza's name. Attorney Bello submitted the tab to the Board. She spoke to the officer & the officer asked what she served Mr. Cardoza. She stated she served him one drink. She said he seemed messed up when he came in, old & fragile. Being messed up had nothing to do w/ being under the influence of alcohol. She didn't feel Mr. Cardoza had been drinking before going to the bar. She is trained not to serve someone who is intoxicated. If someone is intoxicated they are turned down & served water. If they try to leave, a bouncer offers them a ride home. She is told at Shooter's to not serve anyone w/ signs of intoxication & Mr. Cardoza didn't have the signs. Lt. Wallace proceeded to ask Ms. Bryant questions. Ms. Bryant responded as follows:

Ms. Bryant stated she is TIPS certified & explained what this is. She was not the one who opened the tab & she only served Mr. Cardoza one drink. It is possible for him to get a drink w/out the tab (from someone else at the bar), but she would have known if he was given/bought another drink from someone else. She as bartender would be making the drinks. She knows Mr. Cardoza had no more than five drinks & she was monitoring him. Selectman Sauvageau asked if there was a way for her to know what Mr. Cardoza's blood alcohol level was. Ms. Bryant stated no. She stated she is familiar w/ Mr. Cardoza & he comes in on Saturdays & stays for a while. He speaks to other people. Selectman Sauvageau asked if it is plausible that other people could buy Mr. Cardoza a drink. Ms. Bryant stated yes. Selectman Eckstrom asked when Mr. Cardoza left. Ms. Bryant stated 5:00 P.M. Selectman Eckstrom asked how many registers there are. Ms. Bryant stated two. Selectman Eckstrom asked if there was a second tab. Ms. Bryant said no. Chairman Fernandes-

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

Abbott asked if it is typical of Mr. Cardoza to pay his tab w/ no tip. Ms. Bryant stated he could have paid the tip in cash. She stated again that he left at 5:00 P.M.

Chairman Fernandes-Abbott stated the police report says the call was received at 5:52 P.M., but testimony says that Mr. Cardoza left Shooter's at 5:00 P.M. She feels there is approx. 50 minutes of unallocated time.

Present before the Board: Amanda Ferreira

Attorney Bello proceeded to ask Ms. Ferreira questions pertaining to events on 11/11/06. Ms. Ferreira responded as follows:

Ms. Ferreira stated she was working as a bartender on 11/11/06 w/ Ms. Bryant. She opened Mr. Cardoza's tab. He comes in around the same time & the tab was opened at 12:15 P.M. on 11/11/06. She served him 3-4 vodka drinks. She didn't know the officer was going to ask her questions. The tab indicates that she served Mr. Cardoza 3-4 drinks, which total 5 drinks in all. The tab was closed at 3:04 P.M. & was paid. Another tab was not opened & he didn't have another drink. He didn't appear intoxicated. She is TIPS certified & trained. She feels Mr. Cardoza had the characteristics of a stroke; his speech was slurred & soft. He didn't smell like alcohol & there was no indication he had been drinking. She is encouraged by management to not serve someone that seems intoxicated & if they are, they offer to drive them home. Mr. Cardoza left at about 5:00 P.M. She watched the video after Mr. Cardoza seemed stable & it is he in the video.

Lt. Wallace asked Ms. Ferreira questions. Ms. Ferreira responded as follows:

Ms. Ferreira stated it is possible for Mr. Cardoza to pay cash w/out a new tab, but he didn't. She & Ms. Bryant were on at the same time & at approx. 3:04 P.M. the tab was closed.

Selectman Sauvageau asked if the officers testified that they questioned Mr. Cardoza about any medical conditions & if he was on medication & the answer was no. Lt. Wallace stated this is correct & it was told to them that he hadn't had a stroke. Selectman Sauvageau asked Ms. Ferreira if his speech was slurred when he came in. Ms. Ferreira believes it is a medical condition.

Chairman Fernandes-Abbott asked how much money Mr. Cardoza had on him when he was placed in protective custody. Lt. Wallace doesn't know.

Selectman Eckstrom asked Ms. Ferreira when Mr. Cardoza comes in is his speech slurred every time. Ms. Ferreira stated yes & it always seems the same. It reminds her of a stroke. He comes in every other Saturday & has the same number of drinks.

Selectman Sauvageau asked if there are stores in front of Shooter's. Ms. Ferreira stated yes. He asked if there was an incident w/ Mr. Cardoza going in or out of the establishment. Ms. Ferreira stated she doesn't recall and she doesn't know what his condition was when he came in or left.

Present before the Board: Jessica Armes

Attorney Bello proceeded to ask Ms. Armes questions. Ms. Armes responded as follows:

Ms. Armes stated she is the manager & has been employed at Shooter's for three years. She was bartending on 11/11/06 & was present at 4:50 P.M. She stated Mr. Cardoza comes in once a week

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

& sits at the bar all day. He comes in alone. She saw him leave on 11/11/06 & he didn't seem intoxicated. He exited the premises from the side door w/ a ramp w/ a railing. There is a video system. She is familiar w/ the tab system & there was only one tab for Mr. Cardoza, there were no cash turnoffs for Smirnoff's.

MOTION: Selectman Eckstrom moved to go beyond the hour of 10:00 P.M. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Attorney Bello proceeded to show the Board the videotape taken at Shooter's re: Mr. Cardoza being present & leaving the establishment. Ms. Armes feels Mr. Cardoza doesn't appear to be intoxicated or having trouble leaving. This video was taken at 5:02 P.M. She doesn't know how long Mr. Cardoza was in the parking lot or if he was drinking in his car. Lt. Wallace noted the time is not correct on the video. Ms. Ferreira stated this is correct, it says 9:02 P.M. She doesn't know how much the timer is off. Selectman Sauvageau asked Ms. Armes if she saw Mr. Cardoza drive away. She stated no & there is no video of him driving. Selectman Eckstrom asked if Mr. Cardoza has been back to Shooter's. Ms. Armes stated no.

Discussion ensued re: taking notice of the licensees file.

MOTION: Selectman Eckstrom moved the Board take administrative notice of the licensees file. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

Attorney Bello asked what the licensee's file & record have to do w/ this alleged violation. Attorney Honig stated it is part of the entire license of the licensee. Attorney Bello doesn't feel it is applicable to this hearing. Attorney Honig stated it would be relevant in the interest of a penalty if imposed. Attorney Bello stated a finding hasn't even been made. He objected to it being submitted at this stage until the Board decides on the alleged violation.

MOTION: Selectman Eckstrom & Selectman Sauvageau w/drew their prior motion & moved to take administrative notice of the licensee's file until such a time the Board deems it be required. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

Attorney Bello proceeded to make his closing remarks.

MOTION: Selectman Eckstrom moved to close the hearing. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

Selectman Sauvageau discussed the standards to be applied & the Board's responsibility in this matter. He is concerned w/ protecting the community. He spoke re: intoxication, protective custody, & the Breathalyzer test. He feels there is evidence that Mr. Cardoza consumed alcohol, he was intoxicated, & he came from Shooter's.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

Selectman Eckstrom spoke re: the evidence shown by the video & the alcohol level.

Selectman Potter feels something occurred accidentally at Shooter's & wasn't intentional. He agrees that the video shows Mr. Cardoza not being stable.

Chairman Fernandes-Abbott feels it is the Police Dept.'s responsibility to make the burden of proof to show that someone is intoxicated & being served. She is not hearing this tonight. She noted the police report. She doesn't believe the Police Dept. made its case.

MOTION: Selectman Eckstrom moved the Board find Kaimo Corporation d/b/a Shooter's Restaurant & Sports Bar, Jacqueline M. Hoban, Manager, 2691 Cranberry Highway, Wareham, MA in violation of MGL c. 138 §69 & 204 CMR 2.05(2) & in violation of the Board of Selectmen policy #88-14A Rules & Regulations. Selectman Potter seconded.

VOTE: (3-1-0)

Selectman Fernandes-Abbott opposed

MOTION: Selectman Eckstrom moved the Board take administrative notice of the licensee's record file. Selectman Sauvageau seconded.

VOTE: Unanimous (4-0-0)

The establishment's prior record, including police reports was discussed for the record. Discussion ensued re: penalties.

Selectman Sauvageau doesn't feel a reprimand is enough in this case, not does he feel the license should be revoked. He feels there should be a suspension of license for two weeks to be served consecutively. He feels a message needs to be sent. Chairman Fernandes-Abbott disagreed & feels two weeks is harsh. Selectman Sauvageau feels harsh would be for the establishment to lose its license or business. He noted the prior violation at this establishment.

Attorney Bello asked if he could make comments during this stage of the hearing. Attorney Honig stated he could if the Chairman allows it, after deliberations.

Selectman Potter agrees w/ Chairman Fernandes-Abbott in that two weeks is too much. With this being a second violation, the Board has the option to suspend the license from one to ten days. He doesn't feel the present violation was egregious, although a violation did occur. He feels the message will be sent during this penalty stage.

Selectman Eckstrom stated she understands Selectman Sauvageau's point re: sending a message. She indicated this is a large food establishment & many would be impacted by a two-week suspension. She is in favor of a ten-day suspension going by the stricter side of the Board's policy relative to a second violation. Selectman Sauvageau stated he would be amenable to a ten-day suspension w/ a strong letter of reprimand.

Lt. Wallace asked to be excused & stated that he has no comments on the penalty phase.

Attorney Bello expressed confusion as to what is being penalized. He feels the only record that should be considered is for the prior violation as determined by the Board. The Board has never

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

found the establishment in violation of serving an intoxicated person; there is only a prior violation of serving someone under age. He feels the police logs should not be interjected for this penalty phase. He feels if it is, every log entry should be reviewed one by one. He noted that there are log entries that don't involve the establishment.

Selectman Sauvageau noted Selectman Potter's comments re: the establishment's second offense & the Board's option to vote for a one to ten day suspension. None of the record dealing w/ the police logs accounts for the penalty, only the prior violation that is relevant.

Selectman Eckstrom stated that the first violation had a three-day suspension. She takes offense to comments made by Mr. Hoban re: the tow truck driver that called relative to this situation. She feels Mr. Hoban is showing disregard for the Board & this is a reason why she is going for the maximum penalty. Attorney Bello stated that caller did tow the vehicle. Selectman Eckstrom stated her vote is not personal. Having this license is a privilege & when there is disregard for this, she will go for the maximum. Selectman Sauvageau feels the licensee's behavior is indicative of the message not being made.

Selectman Potter feels seven days is a strong enough message. He feels a violation took place, but he doesn't feel the Board automatically has to go w/ the maximum of ten days. Selectman Sauvageau stated he would agree to this. Selectman Eckstrom stated she will vote for seven days, but still feels it should be ten.

MOTION: Selectman Potter moved the Board suspend for a period of seven days the Year Round Common Victualer All Alcoholic Beverages License held by Kaimo Corporation d/b/a Shooter's Restaurant & Sports Bar, Jacqueline M. Hoban, Manager, 2691 Cranberry Highway, Wareham, MA per violation of MGL c. 138, sec. 64, MGL c. 138 §69 & 204 CMR 2.05(2) & in violation of the Board of Selectmen policy #88-14A rules & regulations. Selectman Sauvageau seconded.

VOTE: (3-1-0)

Selectman Fernandes-Abbott opposed

NOTE: The meeting proceeded w/ item VIII. Licenses & Permits – J. Six-month review of the Common Victualer's All Alcoholic Beverages License held by Kaimo Corp. d/b/a Shooter's Restaurant & Sports Bar, Jacquelyn Hoban, Manager, 2691 Cranberry Highway, Wareham, MA.

Present before the Board: Len Bello, Attorney
Jacquelyn Hoban

Chairman Fernandes-Abbott stated that this is the third six-month review of this application that stemmed from an application for an alteration of premises. When this application came forward, members of the abutting condo complex expressed concern re: noise & other issues. The application request was granted w/ the stipulation that there be a six month review. When the applicant came back six months ago for the review, discussion ensued re: information that was already in place, police logs, etc. & it was determined that another six month review be held after the summertime.

Chairman Fernandes-Abbott stated the Board had wanted the establishment to utilize its outside patio area in hopes that it would ease some of the noise issues on the other side of the building. Ms. Hoban stated all summer there were no issues.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

Chairman Fernandes-Abbott stated the police report was obtained from 5/1/06 to 10/06 & there are not as many noise complaints & there is nothing in the report that is out of normal operations. Selectman Potter understood that the Board wanted to know how the summer season went. There were a few complaints during these months, but this is no different from any other establishment. Chairman Fernandes-Abbott stated the issue has been resolved re: the buildings in the back that were responsible for some of the noise issues in the past.

Attorney Bello stated he reviewed the police report w/ Lt. Wallace. He doesn't understand why this establishment is getting special attention vs. other establishments. He understands this all came about after the applicant submitted an application for an alteration of premises to utilize an outside patio. He sees no complaints in the logs dealing w/ this outside patio. He noted that Lt. Wallace felt there were no complaints of any significance at Shooter's vs. any other establishment in Town, even though Shooter's has neighbors in the back. Invitations had been put out for these neighbors to call the Board or the police w/ any issues. He doesn't feel this has been done for any other establishment in Town. He reviewed the minutes of the last six-month review meeting.

Attorney Bello stated the police report has 21 log entries. Ten don't apply to Shooter's & five relate to noise in the parking lot, & the rest occur after the establishment is closed & employees have left. He discussed attempts to get people out of the parking lot. He discussed log entries for two other establishments that have the same amount of log entries as Shooter's. He doesn't feel the number of noise complaints is any different at Shooter's vs. other establishments. There have been no more than five noise complaints during this six-month period & again, some complaints aren't relevant to this establishment. He sees no complaints re: the outside patio. He feels unless the Board does six-month reviews for all other establishments, he doesn't feel it should apply to Shooter's.

Attorney Bello discussed attempts of the establishment to offer rides home to patrons, staff is TIPS certified, & they have a reliable ID checking method. He feels they are doing what the Board has asked them to do.

Selectman Eckstrom agreed that the noise complaints made were relative to the parking lot & that is why this six-month review was conducted. There are less complaints & understands the establishment is trying to close up earlier to stop the noise issues in the parking lot. She feels there has been some improvement & she doesn't feel the outside patio has impacted the noise issue.

Selectman Sauvageau doesn't feel the establishment is getting special attention vs. other establishments. He requested another six-month review in deference to the neighbors. He understands five noise complaints are average. He had been concerned re: the residents who lived in the back of the establishment, but no one is present this evening to complain.

Audience members were asked for comments or questions.

Present before the Board: Jessica Sherman

Ms. Sherman stated her fiancé was killed after leaving Shooter's & after being served a significant amount of liquor. He was intoxicated & crashed his motorcycle. The bar tab he & his friends accumulated was \$300.00. There were witnesses that saw her fiancé & two other motorcycles swerving in the road. She feels her fiancé was served alcohol way over the limit. She feels the trained bartenders should have known her fiancé was intoxicated & shut him off. She doesn't feel seven; ten, or fourteen-day suspensions are too harsh.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

Selectman Sauvageau stated this is the type of issue the Board is concerned with.

Present before the Board: A gentleman

(His comments were inaudible on video).

Selectman Eckstrom stated a Mr. Santiago asked her to relay his support of Shooter's. Mr. Santiago had to depart the meeting.

Chairman Fernandes-Abbott noted that notice was sent to the Greyfield Condo Trustees to distribute to residents relative to this review. This is the second review where no one from the complex has raised complaints.

Present before the Board: A gentleman

The gentleman feels the establishment is well run & they offer rides home to intoxicated persons.

Chairman Fernandes-Abbott noted that the condition of a six-month review is now removed from this establishment.

NOTE: The meeting proceeded w/ item VIII. Licenses & Permits – D. Renewal of Year Round Retail Package Goods Store All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138.

MOTION: Selectman Eckstrom moved & Selectman Potter seconded that the Board renew the following Year Round Retail Package Goods Store All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138:

1. Anchor Liquors, Inc. Kevin Reilly, Manager, 2360A Cranberry Highway, West Wareham;
2. Assinippi Liquors, Inc., Raymond Vezina, Manager, 3 Barker Rd., West Wareham;
3. Browne's Package Store, Inc., Steven Browne, Manager, 135 Marion Rd., Wareham;
4. Sutherco, Inc. d/b/a Capeway Package Store, Kelly Ste. Marie, Manager, 3187 Cranberry Highway, E. Wareham
5. Winston Enterprises, Inc. d/b/a Hilltop Package Store, Harry Winston, Manager, 45 Sandwich Rd., Wareham;
6. The Liquor Locker, Inc., Nanu Patel, Manager, 3021 Cranberry Highway, E. Wareham;
7. Sri Om, LLC d/b/a Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, E. Wareham;
8. Mill Pond Station, LLC, James Kane, Manager, 2569 Cranberry Highway, Wareham;
9. Oak Grove Corp., Ronald McCoy, Manager, 47 Depot St., E. Wareham;
10. Onset Village Market, Inc., Stephen Souza, Manager, 231 Onset Ave., Onset;
11. Pepin's, Inc., Mark Norman Pepin, Manager, 2259 Cranberry Highway, W. Wareham;
12. DJ Sullivan, LLC d/b/a Sullivan Wine & Spirit, Joel Sullivan, Manager, 260 Marion Rd.; &
13. The Jinjas Co., LTD d/b/a The Jug Shop, Adelaide DePonte, Manager, 219 Main St. Wareham.

VOTE: Unanimous (4-0-0)

D.Renewal of Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

MOTION: Selectman Eckstrom moved & Selectman Potter seconded to renew the following Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138:

1. Welch's Restaurant & Lounge, Inc. d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway, E. Wareham;
2. Little Harbor Country Club, Inc., James C. Jones, Manager, 2 Little Harbor Rd., Wareham;
3. Lindsey's, Inc., Cheryl Lindsey, Manager, 3138 Cranberry Highway, E. Wareham;
4. Fan Club, Inc., Glen Justice, Manager, 2859 Cranberry Highway, E. Wareham;
5. Concol, Inc. d/b/a Narrows Crossing Restaurant, Robert Nawoichik, Manager, One Narrows Rd., Wareham;
6. Vel's, Inc., Ethel Bump, Manager, 2352 Cranberry Highway, W. Wareham;
7. Stevie B's, Inc. d/b/a Onset Sports Resort, Stephen Beranger, Manager, 270 Onset Ave., Onset;
8. 99 Restaurant & Pub, Joseph Alberg, Manager, 3013 Cranberry Highway, E. Wareham;
9. Bay Pointe Country Club, Inc., Michael Herron, Manager, 19 Bay Pointe Dr., Onset;
10. Charlie's Place, Charles Nickolaow, Manager, 3075 Cranberry Highway, E. Wareham;
11. Gateway Tavern, Joe Sauro, Manager, 371 Marion Rd., Wareham;
12. Hong Kong Island Restaurant, Susan Ying Lau, Manager, 3055 Cranberry Highway, E. Wareham;
13. Pier View Restaurant, Inc. d/b/a Stephen's Lounge, Stephen Baptiste, Manager, 201 Onset Ave., Onset;
14. Webster Hall, Demetrios Kalkanis, Manager, 207 Main St., Wareham;
15. Bailey's Surf N Turf, Richard O'melia, Manager, 3056 Cranberry Highway, E. Wareham;
16. Barry's Lighthouse Restaurant, Inc., Martha Martin, Manager, 3198 Cranberry Highway, E. Wareham; &
17. Kaimo Corp. d/b/a Shooter's Restaurant & Sports Bar, Jacqueline Hoban, Manager, 2691 Cranberry Highway, Wareham.

VOTE: Unanimous (4-0-0)

E. Renewal of Year Round Common Victualer's Wine & Malt Beverages Licenses for the year 2007, under the provisions of MGL c. 138.

MOTION: Selectman Eckstrom moved & Selectman Potter seconded to renew the following Year Round Common Victualer's Wine & Malt Beverages Licenses for the year 2007, under the provisions of MGL c. 138:

1. Welch's Barnacle Bill's, d/b/a Barnacle Bill's, Julie Richards, Manager, 3126 Cranberry Highway, E. Wareham;
2. Marc Anthony's LaPizzeria, Mark Salerno, Manager, 190 Onset Ave., Onset; &
3. Minerva's Pizza, Litsa Kalkanis, Manager, 257 Main St., Wareham.

VOTE: Unanimous (4-0-0)

F. Renewal of Year Round Veterans Club All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

MOTION: Selectman Eckstrom moved & Selectman Potter seconded to renew the following Year Round Veterans Club All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138:

1. Cromesett Tribe #156 Improve Order of Redmen, Inc., Kenneth R. Roche, Manager, 745 Main St., Wareham; &
2. Wareham Lodge of Elks #1548, Margaret Fisher, Manager, 2855 Cranberry Highway, E. Wareham.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved & Selectman Sauvageau seconded to renew the following Year Round Veterans Club All Alcoholic Beverages Licenses for the year 2007, under the provisions of MGL c. 138:

1. American Legion Post #220, John Fearing, Manager, 777 Main St., Wareham; &
2. Dudley L. Brown Post #2846 VFW of US, Inc., Arthur Lee, Manager, 4 Gibbs St., Onset.

VOTE: Unanimous (4-0-0)

- G. Renewal of a Year Round Wine & Malts Common Victualer to include Cordials & Liqueurs License for the year 2007, under the provisions of MGL c. 138.

MOTION: Selectman Eckstrom moved to renew the Year Round Wine & Malts Common Victualer to include Cordials & Liqueurs License for the year 2007, under the provisions of MGL c. 138 for Hadley-Macintosh Enterprises d/b/a The Stonebridge, Justin Hadley, Manager, 5 East Blvd., Onset. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

- H. Renewal of the Year Round Inn Holder All Alcoholic Beverages License for the year 2007, under the provisions of MGL c. 138.

MOTION: Selectman Eckstrom moved to renew the Year Round Inn Holder All Alcoholic Beverages License for the year 2007, under the provisions of MGL c. 138 for the Harbor Watch Inn, Ltd. d/b/a Harbor Watch Inn, 167 Onset Ave., Onset. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

- I. Applications for 2:00 A.M. extensions of the Common Victualer All Alcoholic Liquor Licenses for 12/31/06, under the provisions of MGL c. 138.

MOTION: Selectman Eckstrom moved & Selectman Fernandes-Abbott seconded for discussion the following applications for 2:00 A.M. extensions of the Common Victualer All Alcoholic Liquor Licenses for 12/31/06, under the provisions of MGL c. 138:

1. Stevie B's, Inc. d/b/a Onset Sports Resort, Stephen Beranger, Manager, 270 Onset Ave., Onset;
2. Gateway Tavern, Joe Sauro, Manager, 371 Marion Rd., Wareham;

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

3. Wareham Lodge of Elks #1548, Margaret Fisher, Manager, 2855 Cranberry Highway, E. Wareham;
4. Salerno's Function Hall, John Salerno, Manager, 196 Onset Ave., Onset; &
5. Webster Hall, Demetrios Kalkanis, Manager, 207 Main St., Wareham.

Discussion ensued re: adding Hong Kong Island.

6. Hong Kong Island, Susan Ying Lau, Manager, 3055 Cranberry Highway, E. Wareham.

VOTE: Unanimous (4-0-0)

C. Applications for change of hours, under the provisions of MGL c. 138.

MOTION: Selectman Eckstrom moved to approve the change of hours for Trova, Inc. d/b/a Baileys Surf N Turf, Richard O'Melia, Manager, 3056 Cranberry Highway, E. Wareham for the following hours: 10/1 – 4/30 close at 12:00 midnight Friday & Saturday & Sunday –Thursday open at 11:30 A.M., close at 12:00 midnight & 5/1 – 9/30 Sunday – Saturday open at 11:30 A.M. & close at 1:00 A.M. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Eckstrom moved to approve the change of hours for Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, E. Wareham for the following hours: January – May 1 Monday – Saturday open at 9:00 A.M. to 10:00 P.M., 5/2 – 12/31 Monday –Saturday 8:00 A.M. – 11:00 P.M. & Sunday remain open from 12:00 noon to 9:00 P.M. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

NOTE: Chili's Restaurant.

MOTION: Selectman Eckstrom moved to renew the Year Round Common Victualer All Alcoholic Beverages License for the year 2007, under the provisions of MGL c. 138 for Chili's, Denise Russell, Manager, 2889 Cranberry Highway, E. Wareham contingent upon receipt of all unpaid taxes, fees, & assessments. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

J. Done

IX. TOWN ADMINISTRATOR'S REPORT

NOTE: Selectman Potter spoke re: plant capacity. He stated once the remaining seven areas have tied into the plant, it would be at capacity. He feels that a strategy needs to be rendered on how to proceed after that point. Chairman Fernandes-Abbott noted that Tobey Rd. is already sewered & was part of the build-out & computed in the capacity figures. Brief discussion ensued. Chairman Fernandes-Abbott stated discussion would be held re: capacity so a strategy can be initiated.

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 12/05/06 (CONT'D)

1. Sewer Tie-in Request. A sewer tie-in request has been received from Cape Building Systems, 29 Tobey Rd., Map 87, Lot 1000D. The request has been approved by David Simmons & the fees to be paid are to include, but not limited to sewer commercial fee, design review & construction fee, commercial development fee, & sewer connection fee. Personnel shall inspect all clean outs & pipe connections & as-builts to be provided. All curb cuts will be inspected & approved by Mark Gifford, Municipal Maintenance Director. The total fee charges are \$10,496. This is on Tobey Rd. & betterment has already been paid by the Bliss Foundation five years ago.

MOTION: Selectman Eckstrom moved the Board of Sewer Commissioners approve the sewer tie-in connection request for Map 87, Lot 1000D, Cape Building Systems, 29 Tobey Rd. contingent upon the following fee structure & conditions:

1. Payment is made for all appropriate fees including, but not limited to the commercial sewer fee, permit fee, design review & construction fee, & sewer connection fee.
2. WPCF personnel shall inspect all pipe connections & cleanouts.
3. As built drawings shall be provided by the engineering contractor.
4. All cuts w/in existing paved roadways shall be inspected & approved by the Municipal Maintenance Director.

VOTE: Unanimous (4-0-0)

- X. TOWN BUSINESS
(NONE)
- XI. SELECTMEN'S REPORTS
(NONE)
- XII. SEWER BUSINESS
(DONE)
- XIII. ADJOURNMENT

MOTION: Selectman Eckstrom moved to adjourn the meeting at 12:10 A.M. Selectman Potter seconded.

VOTE: Unanimous (4-0-0)

Respectfully submitted,

Kelly Barrasso

Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: 2/20/07

Attest: Brenda S. Eckstrom

Date signed: 2/20/07

Brenda Eckstrom, Clerk

BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date copy sent to Wareham Free Library: 02/23/07