

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: February 21, 2006

Date of Transcription: February 26, 2006

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Sauvageau called the meeting to order at 7:10 P.M.

MOTION: Selectman Fernandes-Abbott moved that Selectman Parola be Clerk Pro Tem for this meeting. Selectman Eckstrom seconded.

VOTE: Unanimous (4-0-0)

A. Roll Call

Selectmen Present: Bruce Sauvageau, Chairman
Cindy Parola, Clerk Pro Tem
Renee Fernandes-Abbott
Brenda Eckstrom

Selectman Absent: Mary Jane Pillsbury

Present: Michael Hartman, Town Administrator

II. CITIZENS PARTICIPATION

Present before the Board: Jim Newman, Veterans Council Chairman

Mr. Newman stated that the Honor Roll board in Town Hall will be ready by Memorial Day & he plans to hold a ceremony as well. He requested that anyone wishing to have a name placed on the board to call 508-291-3100 ext. 6513.

Present before the Board: Debbie Pfnister, Rose Point

Ms. Pfnister stated that she was present at the Board's 2/7/06 meeting & Mr. Gifford; Municipal Maintenance Director did come out the next day at which time he spoke to Mr. Brodeur the resident engineer for the project. She indicated that the contractor tore up fixed the roadway in front of her home, but the repairs only lasted only a few days.

The Town Administrator stated that the contractors are responsible for damages and added that any and all contractors must carry liability insurance.

Ms. Pfnister stated that the contractor never showed up last week because as she was told, there was too much snow. The contractor is now working on Arnold St., which was already done, but the contractor forgot to connect the only house on the street.

Ms. Pfnister expressed concern re: the big mess the sewer project is causing. She read a letter into the record from her neighbor Peter Cathcart who resides on Donald St. The letter briefly notes the problems the sewer project is causing such as damage to his vehicle, expenses he has incurred to fix his

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vehicle, the poor condition of the roadways, and lack of mail delivery due to the road conditions, & his request for reimbursement for the damage to his vehicle. Chairman Sauvageau acknowledged the Board members did receive copies of Mr. Cathcart's letter.

NOTE: The meeting proceeded w/ item V. Licenses & Permits – A. Hearing - Application for transfer of an existing Year Round Retail Package Goods Store All Alcoholic Beverages License from P&D Hilltop Enterprises, Inc., 45 Sandwich Road, Wareham to Winston Enterprises, Inc. d/b/a Hilltop Package Store, Harry Winston, Manager, under the provisions of MGL c.138.

MOTION: Selectman Parola moved to open the hearing. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

Present before the Board: Harry Winston

Selectman Parola asked to see the green return receipts. Mr. Winston stated the Board's secretary told him since this was a transfer; no green return receipts were required. He submitted a letter to the Board re: this matter.

Mr. Winston stated he is taking over the store & his intentions are to build up the clientele & possibly expand in the future.

Selectman Fernandes-Abbott stated on the application there are lease dates for the property, but different lease dates on the new lease. Mr. Winston stated the dates on the new lease are the appropriate ones. Selectman Fernandes-Abbott stated the lease dates need to be edited on the application.

Selectman Parola asked if Mr. Winston would be on the premises at all times since he lives out of town. Mr. Winston stated he would be on the premises on a daily basis, but maybe not all day. Selectman Parola cautioned Mr. Winston re: being an absentee owner due to the problems this can cause & she urged him to be on premises as many hours as he can.

No one spoke for or against the application.

MOTION: Selectman Parola moved to close the hearing. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board approve the application for transfer of an existing Year Round Retail Package Goods Store All Alcoholic Beverages License from P&D Hilltop Enterprises, Inc., 45 Sandwich Road, Wareham to Winston Enterprises, Inc. d/b/a Hilltop Package Store, Harry Winston, Manager, under the provisions of MGL c.138. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

III. CONSENT AGENDA

A. Authorization to sign bills, documents, etc.
(NONE)

B. Approve minutes of previous Regular Session meetings: 1/17/06 & 2/7/06.

MOTION: Selectman Parola moved the Board approve the Regular Session meeting minutes of 1/17/06. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Fernandes-Abbott moved the Board approve the Regular Session meeting minutes of 2/7/06. Selectman Eckstrom seconded.

VOTE: (3-0-1)

Selectman Parola abstained

C. Appointments: Bike Path Committee & Historical Commission.

MOTION: Selectman Parola moved the Board appoint Lois Fountain as a member to the Bike Path Committee to a term to expire 6/30/09. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board appoint Dale G. Scott as a member to the Bike Path Committee to a term to expire 6/30/09. Selectman Eckstrom seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board appoint Louise Paoella as a member to the Bike Path Committee to a term to expire 6/30/09. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board appoint Lance E. Howlett as a member to the Bike Path Committee to a term to expire 6/30/08. Selectman Fernandes-Abbott seconded for discussion.

NOTE: Selectman Fernandes-Abbott asked why Mr. Howlett's term ends in 2008. Selectman Parola stated that the agreement was to have staggered terms.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board appoint Peter Zine as an associate member to the Historical Commission to a term to expire 6/30/06. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board appoint Heather W. Zine as an associate member to the Historical Commission to a term to expire 6/30/06. Selectman Fernandes-Abbott seconded.

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VOTE: Unanimous (4-0-0)

NOTE: Mr. Howlett who was just appointed to the Bike Path Committee approached the Board. He believes the bike path is very important to the Town & is for everyone. He feels very strongly re: the bike path & intends to see it to the finish.

NOTE: The meeting proceeded w/ item VI. Announcements - A. The next meeting of the Board of Selectmen/Sewer Commissioners will be held on 3/7/06.

NOTE: The meeting proceeded w/ item VII. Business – E. Vote Selectmen’s meeting schedule for the months of March & April. Chairman Sauvageau stated he would like the Board to start meeting weekly beginning w/ the 3/7/06 meeting until the conclusion of Town Meeting on 4/24/06 due to the large amount of Warrant articles & major agenda items coming forward. The Board members concurred.

NOTE: The meeting proceeded w/ item V. Licenses & Permits – B. Hearing - Application for an Annual Common Victualer Wines & Malts Beverages License by Bluewater Capital Corporation d/b/a Grandma’s Pie Shop & Bakery, James Hegarty, Manager, 3126 Cranberry Highway, East Wareham, under the provisions of MGL c.138.

MOTION: Selectman Parola moved to open the hearing. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

No one was present at this time representing the application.

MOTION: Selectman Parola moved to table this hearing for fifteen minutes. Selectman Eckstrom seconded.

VOTE: Unanimous (4-0-0)

NOTE: Sean Fensel, Rose Point asked to address the Board. Mr. Fensel stated there is a sign upon entering Rose Point that states, “pass at own risk.” He stated this is the only access road to his home. He doesn’t feel this sign gets rid of the Town’s insurance risk. He has approached Selectman Pillsbury re: this sign & she told him it shouldn’t be there, but it still is.

Mr. Fensel explained that the situation in the Rose Point area is abhorrent. The Town had promised in the past to have Winter St. graded, but it hasn’t been for a long time & now w/ this project going on it is in terrible condition. He again addressed the terrible road conditions in the area. He would like the Municipal Maintenance Dept. to understand that residents need to get out of the area w/out using four-wheel drive & adhering to the sign.

The Administrator discussed attempts at solving some of the roadway problems which last approx. one week. He assured Mr. Fensel that the Town will continue to address the problems & the sign will be taken down.

NOTE: The meeting returned to item V. Licenses & Permits

MOTION: Selectman Parola moved to take the hearing B. off the table. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

Present before the Board: James Haggerty, Sr.
James Haggerty, Jr.

Mr. Haggerty, Jr. submitted the green return receipts to the Board.

Mr. Haggerty, Jr. explained that the bar has been removed & they will be serving wine & beer strictly to tables, which will compliment the pizza & other foods as a convenience to the patrons. There are a total of 60 for seating w/ the booths being the same & the pie cases have replaced the bar w/ no seating in this area.

Brief discussion ensued re: if special insurance is required for the open fire for the pizza oven.

Selectman Parola asked if the owner intends to be at the establishment. Mr. Haggerty, Jr. stated he would be at the establishment every day. He added that he has not yet had the TIP training, but plans to & his employees will be trained as well.

No one spoke in favor or against the application.

Brief discussion ensued re: the abutters' list.

MOTION: Selectman Parola moved to close the hearing. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

MOTION: Selectman Parola moved the Board approve the application for an Annual Common Victualer Wines & Malts Beverages License by Bluewater Capital Corporation d/b/a Grandma's Pie Shop & Bakery, James Hegarty, Manager, 3126 Cranberry Highway, East Wareham, under the provisions of MGL c.138. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

NOTE: The meeting proceeded w/ item VII. Business.

A. Vote estimated seasonal population under the provisions of MGL c.138 s.17.

Chairman Sauvageau stated the estimated seasonal population is 41,050.

Selectman Parola read the following into the record: That the Board vote acting under the authority contained under MGL c.138 s.17 as amended the Board of Selectmen at a meeting in the Town of Wareham, certify as of 7/10/06 the estimated seasonal population to be 41,050, thus this estimate was made and voted upon in a regular scheduled meeting of the Board of Selectmen after investigation, and ascertained by us of all of the facts & cooperative discussion & deliberation is true to the best of our knowledge and belief.

MOTION: Selectman Parola moved that the Board approve the estimated seasonal population number of 41,051 w/ correction made to written statement in the letter. Selectman Fernandes-Abbott seconded for discussion.

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NOTE: Selectman Fernandes-Abbott asked where this number came from. The Administrator stated the Town Clerk provided the number.

VOTE: Unanimous (4-0-0)

B. Approve changes to PEG Access Corporation documents.

Chairman Sauvageau stated that all changes were made, but neither he nor the Board has received them, as of yet, thus the Board cannot move forward at this time. He has written the draft relative to duties & responsibilities of members applying & he will get this to the Board members at the 3/7/06 meeting. Thereafter, the Board can begin discussions on the interview process.

C. Author of petition article – municipal electricity.(No one was present to represent the article).

D. Vote to amend deadline dates for Special Town Meeting.

Selectman Parola read the new Special Town Meeting dates into the record.

MOTION: Selectman Parola moved the Board adopt the new 2006 Special Town Meeting dates as read into the record. Selectman Eckstrom seconded.

VOTE: Unanimous (4-0-0)

E. Done.

F. Close Town Meeting Warrant.

Brief discussion ensued re: the petitioned articles contained in the Warrant.

MOTION: Selectman Parola moved the Board close the 2006 Annual Town Meeting Warrant w/ the provision to allow for Scribner errors. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

IV. TOWN ADMINISTRATOR'S REPORT

1. NIMS (National Incident Management System) & ICS (Incident Command System. Asked the Board to adopt the principles & policies of NIMS as the local standard for incident management and the Incident Command System as the official incident response system. This has to be formally adopted by every municipality & was required to be completed by 9/30/05. It is also an eligibility requirement for FY2007 Federal preparedness funds.

MOTION: Selectman Parola moved the Board adopt the principles & policies of the National Incident Management System (NIMS); formally recognize the National Incident Management System (NIMS) as the local standard for incident management; and as such, adopt the Incident Command System (ICS) as the Town of Warcham's official incident response system. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING MINUTES 2/14/062/21/06 (CONT'D)

2. Briarwood Sewer Project Takings. Asked the Board to approve the takings for the Briarwood Sewer project. All property owners were notified via mail by the Administrator's office the last week of January & to date, all except one have responded to the Administrator's office. Thus, they are all friendly takings except for one.

MOTION: Selectman Parola moved the Board of Selectmen, acting in their capacity as the Board of Sewer Commissioners of the Town of Wareham, acting pursuant to the authority granted them under MGL c.83 §1, vote to take by eminent domain a permanent easement for the purpose of the construction, installation, use, operation & maintenance of a subsurface sewer main & necessary appurtenances thereto in certain real property owned by Russell L. Saunders & Eleanor T. Saunders; Joseph C. Marchant, Mary L. Shea & Evelyn N. DiPerna; Copper Medal, LLC; Warren Pyne & Joanne Pyne; Todd J. Pardi & Charlene L. Pardi; & Michael A. Reiman & Michelle L. Reiman, as fully described on the attached documents. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

3. Emergency Plan Update. The Town's Emergency Preparedness Plan is due for an update. Staff, including Fire Districts, has begun the process of updating the plan. Among the issues that will be addressed is the possibility of a pandemic, terrorism, & bio terrorism. Sean Fensel may have contacted some of you regarding the creation of a citizen committee dealing w/ the issue of emergency planning. Mr. Fensel was a member of such a committee when he was a resident of Plymouth & is advocating such a committee in Wareham. The Board may want to consider the creation of such a committee once the plan has been updated.

Chairman Sauvageau stated that Bob Ethier, Health Agent has been active in local symposiums w/ other communities re: joint actions relative to pandemics, terrorism, etc. He reminded the Board that the plan is not being started from scratch, but that it needs updating.

Present before the Board: Sean Fensel

Mr. Fensel provided his extensive history in the area of emergency planning. Emergency planning requires manpower & he briefly discussed the Town of Plymouth's need for manpower for their emergency plan to work.

Mr. Fensel stated that he is impressed w/ Mr. Ethier & what he has done, but he has just scratched the surface. He submitted & discussed at length some suggestions he has made for the Town. Some of his suggestions are as follows:

1. Make an assessment of neighborhood readiness for emergencies.
2. Need an Emergency Response Coordinator.
3. Need a common communication system.

The Administrator stated that the Board should consider a citizen committee once the plan is finished. Materials/issues have changed almost weekly & rather than incorporate these suggestions in the plan now & then have to modify them later, he suggested the Board wait for Mr. Ethier to finish the plan & have the BOH Inter-municipal article be voted upon at this Town Meeting.

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Mr. Fensel discussed Federal & State contingency funding that may be available. He also volunteered his time to gather information for the Board & to help w/ the neighborhood assessments.

V. LICENSES & PERMITS

A. Hearing – (DONE)

B. Hearing – (DONE)

VI. ANNOUNCEMENTS (DONE)

VII. BUSINESS

A. Vote the estimated seasonal population under the provisions of MGL c.138 s.17 (DONE)

B. Approve changes to PEG Access Corporation documents (DONE)

C. Author of petition article – Municipal Electricity (DONE)

D. Vote to amend deadline dates for Special Town Meeting (DONE)

E. Vote Selectmen's meeting schedule for the months of March & April (DONE)

F. Town Meeting Warrant closes (DONE)

G. Any other business.

At this time in the meeting, Selectmen Parola stated there are items she would like to see "buttoned-up" before her term ends:

A. Highland, Inc.

Selectman Parola questioned the status of this matter. The Administrator stated attorneys are still negotiating it.

B. Personnel Plan

Selectman Parola stated that although she cannot participate in any discussions concerning the Plan she believes the Board's initial questions about the Plan where not unanswered.

The Administrator stated there is a miscommunication relative to the Personnel Plan changes and that the changes are in force now. He stated that a re-classification was adopted in 10/05 & it is to become effective on 7/1/06.

Selectman Fernandes-Abbott stated that the Board has never voted nor ratified this plan. The Administrator stated he would get a final copy of the plan to the Board.

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C. Tobey Will Fund.

Selectman Fernandes-Abbott stated that after Selectman Parola leaves the Board, another Selectman is needed to help her review the Tobey Will Fund applications. Brief discussion ensued. Selectman Eckstrom offered to do it.

D. ZBA Guidelines.

Selectman Eckstrom stated that the new ZBA guidelines for developers was adopted on 2/8/06 & has been submitted to the Board.

VIII. SELECTMEN'S REPORTS
(NONE)

IX. ADJOURNMENT

MOTION: Selectman Parola moved to adjourn the meeting. Selectman Fernandes-Abbott seconded.

VOTE: Unanimous (4-0-0)

Respectfully submitted transcribed,

Kelly Barrasso
Kelly Barrasso

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on: 3/7/06

Attest: Cynthia K. Parola
Cynthia K. Parola, Clerk Pro Tem
BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date signed: 3/15/06

Date copy sent to Wareham Free Library: 3/16/06