

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

#09-07

Date of Meeting: March 20, 2007

Date of Transcription: March 22, 2007

Transcribed by: Kelly Barrasso

I. CALL MEETING TO ORDER

Chairman Pro Tem, Brenda Eckstrom, called the meeting to order at 7:05 P.M.

MOTION: Selectman Potter moved Selectman Sauvageau be Clerk Pro Tem for this meeting. Selectman Eckstrom seconded out of necessity.

VOTE: Unanimous (3-0-0)

II. ROLL CALL

Selectmen Present: Brenda Eckstrom, Chairman Pro Tem
Bruce Sauvageau, Clerk Pro Tem
Jim Potter

Selectman Absent: Renee Fernandes-Abbott

Also Present: John Foster, Interim Town Administrator

III. CITIZENS PARTICIPATION

Present before the Board: Jim Newman

Mr. Newman stated that any name that goes on the Veterans memorial board has to have been a resident of the Town when they joined the military. The board is up & staining will be done tomorrow. The names will go up shortly.

IV. ANNOUNCEMENTS (NONE)

V. CONSENT AGENDA

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

B. Interview/appoint applicants for boards, committees, commissions: Council on Aging.

Present before the Board: Ellen MacFarlane

Ms. MacFarlane discussed her work experience as a registered nurse for 39 years. Fifteen of those years, she worked in geriatric nursing. She is now retired & would like to volunteer w/ the COA.

MOTION: Selectman Sauvageau moved the Board appoint Ellen MacFarlane as a member to the Council on Aging Board of Directors to a term to expire 6/30/09. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

NOTE: The meeting proceeded w/ item VIII. Town Business – F. Any other business.

1. Tobey Will Fund Letter.

Selectman Eckstrom stated that correspondence from the Attorney has been received stating that the Tobey Will Fund letter the Board will be sending out is fine. Selectman Sauvageau read said letter into the record.

Selectman Eckstrom submitted documentation to the Board re: estimates on what the fund interest will be by 2009.

VI. LICENSES & PERMITS

- A. Applications on two of the five Annual Common Victualer's All Alcoholic Beverages Licenses approved by a special act of legislation for economic development.

1. Hearing- RARE Hospitality International, Inc. d/b/a LongHorn Steakhouse, Paul Richard Ciulla, Manager, Wareham Crossing, 2421 Cranberry Highway, STE480, West Wareham, under the provisions of MGL c. 138 for 2007.

MOTION: Selectman Sauvageau moved to open the hearing. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Present before the Board: Paul Richard Ciulla, Manager
Mr. Boire

Mr. Boire submitted the green return receipts.

Mr. Boire explained that Mr. Ciulla would be manager until the establishment opens & a new manager is sought.

Mr. Boire explained the restaurant's chain. He noted that alcohol sales for the establishment are only 13% of their sales. He discussed their proposed hours of operation (11:00 A.M. – 12:00 midnight). They are requesting an entertainment license as well.

Selectman Sauvageau asked what the seating capacity is. Mr. Boire stated it is 198 w/ handicapped bathrooms for both men & women. Discussion ensued re: the lease agreement. The Board reviewed the lease documents.

Selectman Sauvageau asked if the special legislation liquor license the establishment is receiving was explained to them. Mr. Boire discussed how he understands the issue of the five additional licenses. He is aware of the restrictions.

Selectman Potter asked re: the hours of operation. Mr. Boire discussed.

Mr. Ciulla discussed how all employees are TIPS trained w/in the first week of employment.

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

Discussion ensued re: opening date. Mr. Boire displayed where their establishment is w/in the mall. Audience members were asked to speak in favor or against the application.

Present before the Board: John Durham, American Legion Hall

Mr. Durham stated the American Legion Hall could not serve alcohol before 4:00 P.M. because they are w/in 500 ft. of the school zone (Decas School). He asked if this establishment should have restrictions as well due to the mall's proximity to the school zone. He wants to make sure the children are safe. Mr. Boire discussed the establishment's responsible handling of alcohol related matters. Mr. Ciulla again noted that alcohol sales of the establishment are only 13% of their sales. They do not promote liquor sales/consumption.

Selectman Eckstrom acknowledged Mr. Durham's concerns. Selectman Sauvageau stated that as a licensing authority, the Board couldn't condition licenses unless there is some history. The Board acts as a regulatory "watch dog" on a license. He feels this establishment needs to start up first & then look at their history in the future. He understands the concerns. He is concerned re: the amount of traffic that will come in & out of the mall every day.

Present before the Board: Kenneth Sleightholm

Mr. Sleightholm asked if it is all right to issue a license to an establishment that is not constructed yet. Selectman Potter stated these licenses are different vs. existing ones. These licenses are linked to a specific map & parcel. Selectman Eckstrom stated there were agreements made w/ the State re: these five licenses for economic development.

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

VOTE: Unanimous (3-0-0)

MOTION: Selectman Sauvageau moved the Board grant w/out conditions an Annual Common Victualer's All Alcoholic Beverages License, approved by a special act of legislation for economic development for RARE Hospitality International, Inc. d/b/a LongHorn Steakhouse, Paul Richard Ciulla, Manager, Wareham Crossing, 2421 Cranberry Highway, STE480, West Wareham, under the provisions of MGL c. 138 for 2007. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Brief discussion ensued re: the entertainment license being applied for by this establishment.

MOTION: Selectman Sauvageau moved the Board grant an Entertainment License to include two TV's & piped in music for RARE Hospitality International, Inc. d/b/a LongHorn Steakhouse, Paul Richard Ciulla, Manager, Wareham Crossing, 2421 Cranberry Highway, STE480, West Wareham, under the provisions of MGL c. 138 for 2007. Selectman Potter seconded. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

- B. Hearing – Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, John W. Grant, Manager, Wareham Crossing, 2421 Cranberry Highway, STE 350, West Wareham, under the provisions of MGL c. 138 for 2007.

Present before the Board: Howard Noram

MOTION: Selectman Sauvageau moved to open the hearing. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Mr. Noram stated the manager will not be present this evening, but like the previous application, Mr. Grant is only a temporary manager until the establishment opens. He submitted the green return receipts. He understands the special licenses & restrictions. He gave a background on this restaurant chain. He explained that alcohol sales are only 10% of their business. They have incorporated liquor to be complimentary w/ food. The target date for opening is 11/07. He added that they have approx. 200 seats for capacity, but this final number will not be known until it is built. The design has 200 seats. He added that they have also applied for an Entertainment License for 12 TV's. He discussed their hours of operation.

Mr. Noram stated he has read & understands the legislation relative to the issuance of the liquor license. All employees will be TIPS certified.

No one spoke for or against the application.

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

VOTE: Unanimous (3-0-0)

MOTION: Selectman Sauvageau moved to grant w/out conditions Annual Common Victualer's All Alcoholic Beverages License, approved by a special act of legislation for economic development for Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, John W. Grant, Manager, Wareham Crossing, 2421 Cranberry Highway, STE 350, West Wareham, under the provisions of MGL c. 138 for 2007. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

MOTION: Selectman Sauvageau moved to approve an Entertainment License for 12 TV's & two video games under the hours specified for Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, John W. Grant, Manager, Wareham Crossing, 2421 Cranberry Highway, STE 350, West Wareham, under the provisions of MGL c. 138 for 2007. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Selectman Sauvageau stated if the video games are to be operated on Sundays, an additional weekend Entertainment License will be needed. Mr. Noram stated he was informed that to apply for this license now would be premature. He will wait until the opening date comes near.

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

VII. INTERIM TOWN ADMINISTRATOR REPORT

1. Sewer Abatement Request – Acct. #738531, 165 Swifts Beach Rd., Map 50A, Lot 62A.

Asked the Board to approve abating this account for second half FY07 & supplemental sewer usage bills in the amounts of \$1,566 & \$420 respectively for six EDU. David Simmons, WPCF Superintendent did an on site verification of the number of washing machines on 2/27/07. They were billed for 14 & there is only ten at this location.

MOTION: Selectman Sauvageau moved the Board abate acct. #738531 for second half FY07 & the supplemental sewer usage bills in the amounts of \$1,566 & \$420 for six EDU respectively for a total abatement of \$1,986.00. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

2. Sewer Abatement Request – Acct. #736170, 6 Fern Avenue, Map 2, Lot 150A.

Asked the Board to approve abating this account for second half FY07 for \$261.00 for one EDU & \$70.00 for one EDU supplemental sewer usage bill. Due to incorrect information given to the WPCF, the account was billed as a two-family when in fact it is a single-family dwelling.

MOTION: Selectman Sauvageau moved the Board abate acct. #736170 for second half FY07 & the supplemental sewer usage bills in the amounts of \$261 & \$70 for one EDU respectively for a total abatement of \$331. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

3. MA Municipal Association Spring 2007 Regional Update Meeting.

The Board has received information from the MMA meeting he & Selectman Potter attended this week at Middleborough Town Hall. The Governor's Municipal Partnership Initiative was discussed. There several impacts. One is the meals' tax. This would be 1-2% of the meals' tax, which would be taken out for senior tax relief. The problem is that is goes to the State. This tax is over & above the present meal tax. The second issue is the loophole for telecommunications & how telecommunications are valued for real estate. This could mean additional monies for the Town

Selectman Sauvageau asked re: the hotel tax. Selectman Potter stated there is a 1% option to add on. Selectman Sauvageau understands a fund to help abate senior taxes, but the State needs to help out more w/ local aid & not burden struggling restaurants. The State is lessening their burden & increasing the burden on businesses.

4. Oak Grove School.

Mr. Foster met w/ Ms. Andrews, Ms. Messmer, & Ms. Whalley. They worked out an agreement & this information has been submitted to Town Counsel for review.

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

VIII. TOWN BUSINESS

A. Discussion w/ Mark Gifford re: Rose Point Roads.

Update on Town Dams

Present before the Board: Mark Gifford, Municipal Maintenance Director

Mr. Gifford discussed correspondence from the PARE representatives that surveyed the Town's two dams. The correspondence noted that there are no differences identified that would cause immediate concerns w/ the dams. He is confident in this evaluation, although there are repairs needed. He has applied for CPC funds to address the repairs & there are no State monies available. Selectman Potter is aware of one State fund available if the dam goes under Historic Preservation. The dam would have to go through the MA Historical Association. Mr. Gifford stated the drawback to this is that it is only a matching grant.

Mr. Gifford expressed concern re: the spillway planks. He feels that Makepeace owns these sections of both dams. Selectman Sauvageau doesn't feel there are ownership issues anymore relative to the easement taking. He clarified that the structure of the dam is not at risk, but the area is a high risk one. Mr. Gifford stated a plan is needed for the dam relative to the high-risk area & a plan is in process currently. Selectman Eckstrom stated the Board was under the impression that there was a crisis, but the PARE evaluation shows nothing relative to integrity of the dam, but notes it is a high impact area. Selectman Potter stated the condition of the dam is fair to poor & needs to be addressed. Mr. Gifford has asked PARE to conduct another inspection in July.

Mr. Gifford discussed the need for funding for dam repairs. He would like to put out an RFP & see what estimates are received.

Mr. Gifford spoke re: the electrical powerhouse & the utilization of electrical operations of the dams. The companies pay for this. Brief discussion ensued. Selectman Potter expressed concern re: companies investing monies, but the dams are not fixed. Mr. Gifford stated he has received correspondence from several companies interested in this type of function. The Board concurred to have Mr. Gifford look into this matter & send out RFP's.

Rose Point Roads.

Mr. Gifford stated he supports the Warrant article & feels the acceptance of the roads would be good for the Town. It would most likely mean more Chapter 90 monies. He discussed how the Chapter 90 formula is designed. If streets are accepted, it doesn't mean they have to be paved tomorrow. Coastal Zone Management grants could also be applied for. He doesn't see the harm in accepting these roads.

Selectman Sauvageau asked if the Town can accept roads that don't meet DOT standards. Mr. Gifford stated it has been done in the past & offered examples. Discussion ensued. Selectman Sauvageau expressed concern re: acceptance of roads in the whole neighborhood & maintenance of the roads. He asked how this impacts Chapter 90 formula. Mr. Gifford discussed the formula based on miles of road. Selectman Sauvageau asked if a neighborhood wants paving, this will be a

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

cost. He asked if there will be an increase in Chapter 90 for this. Mr. Gifford stated that the Town would only get a percentage of mileage of roads. The paving would have to be betterment. Discussion ensued.

Selectman Potter discussed the issue of protecting the infrastructure by paving vs. not paving. Mr. Gifford stated there are other roads in Town w/ sewer that are not paved & there have been no problems. Selectman Sauvageau asked if all remaining sewer areas were paved, will Chapter 90 cover this & what impact will this have on Chapter 90 funds to maintain all these roads. Mr. Gifford stated existing paved roads would be re-paved. Selectman Potter asked if there is an obligation on the Town's part to pave accepted streets. Mr. Gifford stated "no." Selectman Sauvageau feels that if the seven remaining areas were paved, there would be no more Chapter 90 funds. Selectman Eckstrom stated the paving in these areas could be spread out over years & use some Chapter 90 funds every year for them. Mr. Gifford stated that Chapter 90 allocation wouldn't pay for all seven areas at one time.

Selectman Sauvageau feels there needs to be discussion re: maintaining all Town roads that are accepted. Mr. Gifford noted that all Chapter 90 funds allocated are spent on Town roads every year. Municipal Maintenance will maintain the roads in Rose Point as always.

B. Re-open hearing on Verizon Cable.

MOTION: Selectman Sauvageau moved to re-open the hearing on Verizon Cable. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

MOTION: Selectman Sauvageau moved to continue the hearing for Verizon Cable to April 17, 2007. Selectman Potter seconded for discussion.

NOTE: Selectman Potter updated the Board on discussions. They are awaiting finance information, but discussions are ongoing.

VOTE: Unanimous (3-0-0)

NOTE: The meeting proceeded w/ item E. Career Center Report of Expansion.

Present before the Board: Tim Nelson

Mr. Nelson stated in the past year, the center has been preparing for an increase in jobs due to the mall. They have been looking at resources needed. He discussed training programs that will be offered. He explained that the State has come up w/ a trust fund to apply for grants. The center will apply for grants to create a skill center. The center is looking for a letter of support from the Board to attach to said grant.

Mr. Nelson discussed the objectives of the skill center that will be combined w/ the career center. He discussed the proposed career & skills center programs that will be offered as well as training. The letter of support will be needed by the end of next week.

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

Mr. Nelson noted that the center will be in need of additional space & they are looking for said space w/in Town. They will need double the space they have now at the Multi Service Center. They anticipate vacating the MSC in approx. two years. The lease w/ the Town for the MSC is through 6/08. One possibility they are looking at is the vacated Wareham Child Care building. After 6/08 depending on where the career center is at, they may consider a month-to-month lease at the MSC. Selectman Potter stated that the Town has a lot of space to lease. Discussion ensued.

The Board members concurred to write a letter of support for the career center.

NOTE: The meeting proceeded w/ item D. Close Special Town Meeting Warrant.

MOTION: Selectman Sauvageau moved the Board close the 2007 Special Town Meeting Warrant w/ seven articles to be heard on 4/23/07 at the Wareham High School Auditorium at 7:30 P.M. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

C. Vote Warrant Articles.

1. Annual Town Meeting Warrant

Article 3 – Compensating Balance Agreements

MOTION: Selectman Sauvageau moved Favorable Action on Article 3 of the 4/23/07 Annual Town Meeting Warrant. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Article 5 – Selectmen/School Committee Reports

MOTION: Selectman Sauvageau moved Favorable Action on Article 5 of the 4/23/07 Annual Spring Town Meeting Warrant. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Article 19 – NSTAR/Verizon Easements

MOTION: Selectman Sauvageau moved Favorable Action on Article 19 of the 4/23/07 Annual Town Meeting Warrant. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Article 27 – Community Events Bylaw

Discussion ensued re: where the appropriations will come from.

Article 36 – Petition: Vacate Thomas Ave.

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

MOTION: Selectman Sauvageau moved Favorable Action on Article 36 of the 4/23/07 Annual Town Meeting Warrant. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Article 38 – Petition: Cape Verdean Cultural Center

Mr. Foster indicated that the lease has not come back from Town Counsel yet.

D. Done

E. Done

D. Any other Town business.

1. Moody's Rating.

Mr. Foster stated that Moody's came back this week w/ a negative outlook for the Town. They will be watching the Town for the next two years. He spoke re: Moody's financial synopsis of the Town's fiscal status. They would like to see an increase in free cash, stabilization, etc.

Selectman Sauvageau stated that the synopsis states that Moody's anticipates a degrading of the Town's rating. He discussed what they are basing their synopsis on relative to the Town's status. Discussion ensued.

Mr. Foster discussed the collection of excise taxes vs. estimates from last year. He discussed how an estimate was made last year. He discussed estimates being made for the budget & how they are determining these estimates. He noted that the budget would be ready for the FinCom tomorrow evening.

2. Makepeace Development in Plymouth.

Selectman Eckstrom stated that Mr. Belluci was before the Board prior re: this development. He has forwarded a letter & Mr. Gricus, Town Planner has also sent a letter to the developers.

3. Permit Fee Increases.

Selectman Eckstrom stated Mr. Foster has submitted proposed increases in permitting fees for the Board's review.

IX. SELECTMEN'S REPORTS

A. Selectman Potter – Spoke re: the charette to be held at Salerno's on 3/24/07 at 9:00 A.M.

Selectman Potter discussed the letter received from the Harbormaster relative to the fireworks. The letter outlines the Harbormaster's desire not to sign off on the marine events application from the Coast Guard due to the potential lack of seasonal employees. He takes exception to the part of the letter that indicates the Harbormaster not signing the application. Nothing in the application is inaccurate & all the information is there.

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

Selectman Sauvageau sees this act as insubordination. He doesn't feel a department head can deny signing anything. Department heads are to follow out the directives of the Board. He rejects the Harbormaster's letter as anything of value. It has no merit. This is the second department head who has told the Board what services they will be supplying. Selectman Eckstrom feels this letter may be premature. Discussion ensued.

Mr. Foster stated the Harbormaster approached him re: the fireworks. He spoke highly of the Harbormaster. He doesn't feel the Harbormaster is refusing or rejecting the application. The Harbormaster is responsible for his signature that will assure liability & safety & agrees w/ supplying coverage. Mr. Foster agrees that this issue is premature. He noted that the Harbormaster is looking at possibly losing five of eight seasonal employees.

Selectman Sauvageau stated once there is an established budget, decisions can be made. Department heads can't tell their bosses what services they will supply. He agrees now is not the time for this letter.

Selectman Potter spoke re: an issue w/ the hotel/motel tax. He stated in 1995 the Visitor Services Committee (VSC) was created to utilize the hotel/motel tax for the promotion of the Town. He spoke re: article 35 on the warrant, which would provide funding for community events. The VSC had a sunset clause that ended in 1999, but the VSC continued until 2003. It was never documented at Town Meeting to keep this committee going. The issue is the tax continued to be collected into 2003 & utilized. The tax is still being collected.

Selectman Potter stated at the last Town Meeting, this tax was utilized for seasonal police wages. He spoke re: the Community Events Committee & the hope that this tax could be utilized.

Selectman Potter explained this year the error in accounting was caught & the tax has been put into the general fund, thus, it has already been appropriated in this budget. He has already told Mr. Corbitt that this money could be used, but it is now in the general fund. He stated this error was discovered this week. He is unsure as to how this was factored into the budget.

Selectman Sauvageau asked if Selectman Potter is asking to carve out \$36,000 from the budget for the fireworks. This would create a budget shortfall. Selectman Potter expressed concern re: Townspeople being sold one thing & then it being transformed into something else.

Mr. Foster stated in the Administrator's budget, he doesn't feel this tax is a specific line item. He has had this researched & the error was found.

Selectman Potter stated this issue doesn't make the two articles for community events moot, but the \$36,000 won't be there. The appropriation could be made the next fiscal year, but he had hoped it could be done this fiscal year. Mr. Foster stated if this money were to be appropriated, it would have to come out of the general

SELECTMEN/SEWER COMMISSIONERS MEETING 03/20/07 (CONT'D)

fund. He stated that this tax is still collected, but it has gone into the general fund; it isn't held separately.

Selectman Potter expressed concern re: the Board telling Mr. Corbitt that the fireworks were a go & no-one came forward to discuss the matter of this tax being in the general fund. He feels the FinCom was concerned that this would disrupt the revenue stream.

Selectman Eckstrom asked if section 3 of the Community Events Fund article could be amended to state revenue for appropriation. Selectman Potter discussed how it was worded previously. Discussion ensued.

Selectman Eckstrom asked if there was a revolving fund for this tax. Selectman Potter discussed the revolving fund name of this account.

Discussion ensued re: when this line item was removed.

Selectman Potter feels it was disingenuous to allow people to believe one thing & no one coming forward w/ information. Selectman Eckstrom would like to know how this happened. She doesn't feel this is a coincidence. Mr. Foster stated he would investigate.

X. SEWER BUSINESS (NONE)

XI. ADJOURNMENT

MOTION: Selectman Sauvageau moved to adjourn the meeting at 9:45 P.M. Selectman Potter seconded.

VOTE: Unanimous (3-0-0)

Respectfully submitted,
Kelly Barrasso, Transcriptionist

The Board of Selectmen/Sewer Commissioners approved the foregoing minutes on September 11, 2007.

Attest: ***Bruce Sauvageau***
Bruce Sauvageau, Clerk Pro Tem
BOARD OF SELECTMEN/SEWER COMMISSIONERS

Date copy sent to Town Clerk's Office: September 12, 2007