

## **MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS**

Date of Meeting: October 9, 2007  
Date of Transcription: December 21, 2007  
Transcribed by: Janet Wilson

### **I CALL MEETING TO ORDER BY CHAIRMAN**

Chairman Eckstrom called the meeting to order at 7:00 P.M.

### **II ROLL CALL**

Selectmen Present: Brenda Eckstrom, Chairman  
Jim Potter, Clerk  
Bruce Sauvageau  
John Cronan  
Jane Donahue

Also Present: John F. McAuliffe, Town Administrator

### **III CITIZENS PARTICIPATION**

None

### **IV ANNOUNCEMENTS**

Onset Protective League is having a preview on Thursday on October 11, 2007 at 7:00 PM at the Onset VFW. The Finance Committee along with the Town Administrator will be there.

Veterans Parade would be coming up soon and the Wareham Fire Dept will be celebrating 100 years.

### **V CONSENT AGENDA**

A. Authorization to sign bills and documents, etc.

**MOTION:** Selectmen Potter moved the board to approve Invoice # 80266072/11 dated September 17, 2007 for Camp Dresser & McKee Inc for services from July 15, 2006 through August 25, 2007 in the amount of \$57,250.00. Selectmen Donahue seconded.

**VOTE: (4-0-1) Selectmen Cronan abstained**

B. Interview/appoint applicants for boards, committees, commissions

i. Library Board of Trustees

Present before the board: John A. Kornechuck

Mr. Kornechuk stated he would like to serve the town and that the Library is a valued resource to the town and would like to be a part of it. Mr. Kornechuk said that he would bring personality, perseverance, and patience to the board and he brings 25 years experience of teaching in public schools and also ownership in a small business and sincere desire to volunteer. Selectmen Donahue thanked him for coming before the board. Selectmen Potter also thanked him and stated that he would be a great asset and feels he has enough experience. Selectmen Sauvageau asked if he was comfortable with accounting and financial reporting and if he has ever overseen in a trust position with other people's money. Mr. Kornechuk said he is responsible in his business of filing income taxes along with state reports and payroll and does have some sense of that. Mr. Sauvageau asked if he utilizes the library and Mr. Kornechuk said that he does visit the library. Mr. Sauvageau asked if he knows any of the previous Library Board of Trustees personally. Mr. Kornechuk replied that he does know of one from his association with White Island. Selectmen Eckstrom thanked him for coming forward.

ii. Marine Resources Commission, Associate Member

Selectmen Potter motioned the board to appoint Gavin LaMontagne, 4 Prospect Avenue, Onset as an Associate Member to the Marine Resources Commission to a term to expire June 30, 2008. Selectmen Donahue seconded.

**VOTE: Unanimous (5-0-0)**

iii. Sewer Betterment Abatement Review Committee

Selectmen Potter motioned the board to appoint Gardner S. McWilliams, 1025 Main Street, W. Wareham, MA 02576 as a member to the Sewer Betterment Abatement Review Committee to a term to expire June 30, 2008. Selectmen Donahue seconded.

**VOTE: Unanimous (5-0-0)**

**VI LICENSES & PERMITS**

A. Application for Change of Manager: Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits, 2421 Cranberry Highway, Suite 350, Wareham Crossing, Wareham under the provisions of MGL c. 138. to Michael C. Morrill

Present before the Board: Michael C. Morrill

Mr. Morrill stated that Red Robin is expected to open in January 2008 and is geared toward being a family restaurant.

**MOTION:** Selectmen Potter moved the board to approve the application for Change of Manager at Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits, 2421 Cranberry Highway, Suite 350, Wareham Crossing, Wareham from John W. Grant to Michael C. Morrill, under the provisions of MGL c. 138. Selectmen Cronan seconded.

**VOTE: Unanimous (5-0-0)**

B. Hearing – 7:15 P.M. Application of the Clermont Group, LLC d/b/a Webster Hall, 207 Main Street, Wareham for a Public Entertainment on Sunday License for Dancing and Live Entertainment under the provisions of Chapter 136 of the Massachusetts General Laws.

Present before the Board: Tony Blaize, Mike Kelly, and Keith Kirkwood

Mr. Blaize state they have for the last month been working to update the electrically work and things have been a little slow. Mr. Blaize said that have set up a security plan and have hired some security people and always have three on duty every night. Mr. Blaize also said that the sound system is checked so the noise won't disturb the neighbors. Mr. Blaize discussed a letter of complaint regarding noise and vulgarities and that is something that he does not accept in his establishment. Mr. Blaize also went on to say that the letter he received stated that the building isn't soundproof and went on to say that a sound engineer tests every night. A neighbor came forward to say that he has not heard any noise coming from the establishment. Mr. Blaize stated the music he plays does not attract the younger crowd.

Selectmen Eckstrom brought up an advertisement for 18+ women and Mr. Kelly said that they are allowed in the building but they do give them a wristband that would not allow them to be served alcohol. Selectmen Sauvageau feels that these types of ads only lead to underage drinking and is in poor taste and a recipe for disaster.

Mr. Consoletti stated that he is located directly across the street from Webster Hall and voiced his concern about the noise coming from the establishment. Mr. Consoletti stated that on Saturday nights they really don't have much noise and was concerned more with the Sunday Entertainment License. Mr Kelly said they are looking to turning the speakers to eliminate some of the noise coming from the front of the building.

Patty Guiner came before the board and stated that she would like to support Webster Hall and she has been in the establishment and it's not a nightclub atmosphere.

Selectmen Potter suggested that they purchase a decibel meter to monitor the noise level.

Selectmen Sauvageau was concerned with Webster Hall having entertainment on Sundays without a license.

Selectmen Eckstrom motioned the board to close the hearing. Selectmen Potter seconded.

**VOTE: Unanimous (5-0-0)**

**MOTION:** Selectmen Sauvageau moved the board to establish hours of operation under regular hours from 5: 00 P.M to 12:00 midnight on Sundays and modify the application according. Selectmen Donahue seconded.

Selectmen Eckstrom added for discussion to make the motion for the Sunday License under Chapter 136 of the Massachusetts General laws and would also like to add to the motion pending receipts of the green cards to the office dated prior to the hearing. Selectmen Potter seconded.

**VOTE: Unanimous (5-0-0)**

C. Hearing: Nitrogen Loading/Horticultural Uses

Present before the board: Joseph E. Costa, PhD

Dr. Costa reported on parts of the DEP Estuary project and Preliminary findings reported by the DEP. Dr. Costa also discussed Preliminary Condition Assessment. Dr. Costa discussed the two warrant articles for the Nitrogen By-Law to be on the October Town Meeting warrant. Discussion ensued.

Present before the board: Theresa Tello

Ms. Tello asked if someone would have to meet all other by-laws, setbacks and zoning when applying for a permit. Ms. Tello stated that according to the Board of Health By-laws a three-bedroom home would require a four bedroom septic and said according to Title IV it is required that you file a deed restriction with the registry of deeds. Ms. Tello asked if these by-laws were to pass would the board of health be required to have training. Dr. Costa said that he would bring in someone to go over everything with the board of health. Ms. Tello feels that By-Laws are being disregarded and variances are being given.

Present before the board: Ed Pacewicz

Mr. Pacewicz said that he is in support of the Nitrogen By-Law and this By-Law won't make things better however it will stop things from getting worse. Mr. Pacewicz went on to say that the Coalition of Buzzards Bay identified the estuaries in Wareham as the worse estuaries for nitrogen loading that are going into Buzzards Bay.

Selectmen Eckstrom thanked Dr. Costa for coming before the board.

Selectmen Donahue moved that the board close the hearing. Selectmen Selectmen Potter seconded.

**VOTE: Unanimous (5-0-0)**

**VII. TOWN ADMINISTRATOR REPORT**

Mr. McAuliffe met with residents on various issues and also met with Mr. Simmons regarding abatements and toured the Tremont Dam and met with the Library Staff.

1. Commercial Oyster and Soft Shell Clam Fisheries

Asked the board to approve the Soft Shell Clam and Oyster regulations for the coming season (as attached) The Commercial Oyster regulations are in effect December 1, 2007 through March 31, 2008, and no changes are being recommended this year.

The Commercial Soft Shell Clam regulations run November 1, 2007 through April 30, 2008. There are no recommended changes from last year.

**MOTION:** Selectmen Potter moved the board to approve the Soft Shell Clam and Oyster regulations for the coming season. The Commercial Oyster regulations are in effect December 1, 2007 through March 31, 2008, and no changes are being recommended this year.

The Commercial Soft Shell Clam regulations run November 1, 2007 through April 30, 2008. There are no recommended changes from last year. Selectmen Donahue seconded.

**VOTE: Unanimous (5-0-0)**

2. Sewer Abatement Request – Account 735491. 250 Onset Avenue, Map 1, Lot 507

Asked the board to approve abating this account for 1<sup>st</sup> half FY08 in the amount of \$325.00 for 1 EDU. The water was shut off 2/2/2004 but the WPCF was not notified of this until 09/14/2007.

**MOTION:** Selectmen Potter moved the Board to abate account 735491 for the 1<sup>st</sup> half FY08 in the amount of \$325.00. Selectmen Cronan seconded.

**VOTE: (4-0-1) Selectmen Sauvageau abstained**

## **VII. TOWN BUSINESS**

Present before the board: Lou Masiello, W/S Wareham Properties LLC

Mr. Masiello discussed the liquor licenses available for the businesses in the Wareham Crossing. Mr. Masiello stated that originally they did ask for three liquor licenses and now are turning restaurants away due to the lack of liquor licenses. Mr. Masiello said that they could lease to additional restaurants and have the demand to bring additional top quality restaurants to the community. Mr. Masiello said that if the liquor license legislation passes he would be able to fill the demand. Mr. Masiello said the town would likely see more variety such as Italian, Asian Cuisine and bring different restaurant flavors. Selectmen Sauvageau said that this would also bring more jobs to the community and increase the tax base.

Selectmen Cronan motioned the board to go beyond the hour of 10:00 P.M. Seconded by Selectmen Sauvageau.

**VOTE: (4-0-1) Selectmen Donahue opposed**

## **IX. LIAISON REPORTS**

Selectmen Cronan said on October 18<sup>th</sup> at the VFW in Onset Tiny Lopes will be having the next Oak Grove Cultural Center Committee Meeting to form the six committees.

Selectmen Potter announced the next Community Events Committee meeting to be held on October 15<sup>th</sup> at 6:00 P.M. in Conf. Room B.

Selectmen Potter also attended the seventeen Town Regional Task force for the casino in Middleboro last week and they have added another town Pembroke which now makes eighteen. They have asked that each board take a vote asking if Middleboro was an appropriate site for the Casino. They are looking to possibly have two casinos one in Middleboro and one in New Bedford maybe two in New Bedford. The next meeting is on October 17<sup>th</sup> and Selectmen Potter would like to take the vote of the board back

**MOTION:** Selectmen Potter motioned the board that the Middleboro site is an inappropriate site for a Casino. Selectmen Cronan seconded.

**VOTE: Unanimous (5-0-0)**

**X. ADJOURNMENT**

**MOTION:** Selectmen Eckstrom moved to enter into Executive Session for the purpose of discussion of strategy to litigation.

POLLED VOTE:   Selectmen Potter – Yes  
                      Selectmen Sauvageau – Yes  
                      Selectmen Cronan – Yes  
                      Selectmen Donahue – Yes

Respectfully submitted,  
*Janet Wilson*

The Board of Selectmen/ Sewer Commissioners approved the foregoing minutes on:  
January 8, 2008.

Attest: *James L. Potter*  
Clerk Board of Selectmen/ Sewer Commissioners

Date Signed: January 8, 2008

Date copy sent to the Wareham Town Clerk on: January 9, 2008