

MINUTES OF MEETING OF SELECTMEN /SEWER COMMISSIONERS

Date of Meeting: October 02, 2007
Date of Transcription: October 30, 2008
Transcribed by: Denise Valenti

1. CALL TO ORDER BY CHAIRMAN

Chairman Eckstrom called the meeting to order at approximately 7:00P.M.
She apologizes for the meeting starting late, due to the board being an executive session.

Selectmen present: Brenda Eckstrom, Chairman
Bruce D. Sauvageau, Clerk
James Potter
John P. Cronan
M. Jane Donahue

Also present: John McAuliffe, Town Administrator

2. LICENSES & PERMITS

A. **Show Cause Hearing** 7:15pm. Barry's Lighthouse Restaurant, Martha Martin, Manager 3198 Cranberry Highway, East Wareham should be revoked or cancelled based upon M.G.L. c. 138, sec. 64, to wit: violation of M.G.L. c. 138 sec.69 and 204 CMR 2.05(2) and in violation of the Board of Selectmen policy #88-14A rules and regulations. Chairman Eckstrom turned meeting over to Selectman Sauvageau, to conduct the hearing as she wishes to recluse herself from the hearing.

MOTION: Selectmen Sauvageau moves the board to open the hearing.
Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Selectmen Sauvageau notes that formal notice has been given to the applicant. The applicant is not present at this time, and is not required to be present. Town Administrator John McAuliffe, reports that this notice was advertised in the Wareham Courier on September 20, 2007. The Town of Wareham building inspector has visited the premises on several occasions and found the restaurant with a close sign and no visual sign of business.

MOTION: Selectmen Potter moved the board to take administration notice of the content of the license holder's file. Selectmen Donahue seconded

VOTE: 4-0-0 (Unanimous)

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MOTION: Selectmen Cronan moved that the board revoke under M.G.L. c138, sec.64, to wit: violation of M.G.L. c. 138 sec. 69 and 204 CMR 2.05(2) and in violation of the Board of Selectmen policy #88-14A rules and regulations. Selectman Donahue seconded

VOTE: 4-0-0 (Unanimous)

This license is revoked pending appeal rights to the ABCC and The Commission

MOTION: Selectmen Potter moves the board to close the public hearing, Selectman Donahue seconded.

VOTE: Unanimous (4-0-0)

Selectmen Sauvageau turns the chair back to Chairman Eckstrom

3. CITIZEN PARTICIPATION

Present before the board is William White for discussion regarding the analysis of legal charges.

Chairman Eckstrom reports that some fees have been collected from private entities. The Board and/or the Town Administrator must approve all requests for Town Counsel. The open door policy of the Town Administrator should also help lessen the need for Town Counsel.

Present before the board is Chris Conseletti , 5 Center St, Wareham regarding concerns for Webster Hall, 207 Main St. for discussion. Chairman Eckstrom reports that next week, October 9th there is a hearing scheduled for Webster Hall with the BOS. Therefore to not prejudice the hearing on their license would like to request that Mr. Conselletti attends next week hearing for discussion.

Mr. Conseletti's other concern is that a number of bar rooms have been advertising to young women, to come to their establishments.

Selectmen Sauvageau notes that due to the free speech amendment they cannot restrict this type of advertising. The Board of Selectmen can look into under age drinking legally as a licensing authority.

4. ANNOUNCEMENTS:

Selectmen Potter would like to announce that the first Bog Night Freight Night at A.D. Makepeace on October 26, 27 & 28th. They are seeking volunteers, have some specific needs for operations and donations. Contact Sally Morrison at 508-295-7410.

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Selectmen Sauvageau would like to announce that on Monday October 15, 2007 at 6:30p.m. The Town of Wareham is holding a public information session. Hosted by the Wareham Housing Partnership to be held at the Wareham Town Hall, 54 Marion Rd. in the cafeteria. All residents are encouraged to attend. For discussion will be Senior Housing Projects. The Wareham Board of Selectmen has placed an article on the October 22nd Town Meeting Warrant to sell or lease 29 acres for the purpose of development for Senior Housing Project. For more information please contact Marilyn Whalley at 508-295-9344 X 11.

The Wareham Firemen Association will be celebrating their 100-year anniversary this month. The Firemen's Ball will be held on October 12, 2007 and tickets are available at the Main Street Fire Station. They will also be having an Open House and parade on October 14, 2007.

5. CONSENT AGENDA

A. Authorization to sign bills and documents, etc. (none)

B. Appointment /Interview applicants for boards, committee, commissions:

MOTION: Selectman Potter moved the board to approve the reappointment of Michael Balboni, 79 Green Gate Lane, to the Wareham Cultural Council to a term to expire June 30, 2009.

Selectman Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Potter moved the board to appoint Marjorie Teitelbaum of 30 Oak St, Plymouth-Carver Aquifer Advisory Committee to a term to expire June 30, 2008.

Selectman Donahue seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Potter moved the board to approve the appointment of Richard Secher, 22 Bay Point Drive, Wareham to the Zoning Board of Appeals to a term to expire June 30, 2010.

Selectman Cronan seconded.

VOTE: 5-0-0 (Unanimous)

C. Approve meeting minutes of previous sessions: September 11, 2007

MOTION: Selectmen Potter moved the board to approve the minutes of the September 11, 2007 special meeting of the Board of Selectmen/Sewer Commissioners.

Selectmen Donahue seconded.

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VOTE: 5-0-0 (Unanimous)

6. TOWN BUSINESS

A. Discussion of Community Preservation Committee articles, for Fall Town Meeting.

Present before the board is Nancy Miller Chairman, Ann Marie Brooks, Sandy Slavin, Sue Mellon Treasurer, and Donald Hall.

ARTICLES # 12-33 for discussion submitted by C.P.C.

B. Other Town Business

Discussions of warrant articles

Article #1~ Harbor Service Permit Reserved transfer

MOTION: Selectmen Potter moves favorable action on Article #1.

Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

Article #2~ Waterways Improvement and Maintenance Fund appropriation and transfer

MOTION: Selectmen Potter moves favorable action on Article #2.

Selectmen Cronan seconded.

VOTE: 5-0-0 (Unanimous)

Article #3~ Parking Meter Fund transfer

MOTION: Selectmen Potter moves favorable action on Article #3.

Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

Article #4~ Parking Meter Fund transfer

MOTION: Selectmen Potter moves favorable action on Article #4.

Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

Article #10~ School Department transfer of funds

MOTION: Selectmen Potter moves favorable action on Article #10.

Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

Article #12~ Pine Barrens and Camp Lakota funds transfer

MOTION: Selectmen Potter moves favorable action on Article #12.

Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

ARTICLE #13~ Reserve future appropriation for community housing

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MOTION: Selectmen Potter moves favorable action on Article #13.
Selectmen Sauvageau seconded.

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

ARTICLE #14~ Transfer of funds to affordable housing reserve

MOTION: Selectmen Potter moves favorable action on Article #14.
Selectmen Sauvageau seconded.

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

ARTICLE #15~ Transfer of funds to Community Preservation.

MOTION: Selectmen Potter moves favorable action on Article #15.
Selectmen Sauvageau seconded.

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

ARTICLE #16~ Payment of debt service Tremont Nail/Bryant Farm

MOTION: Selectmen Potter moves favorable action on Article #16.
Selectmen Sauvageau seconded.

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

ARTICLE # 17~ Swifts Beach property

MOTION: Selectmen Potter moves favorable action on Article #17.
Selectmen Donahue seconded.

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

ARTICLE #18~ Raise and appropriate funds for South Shore Housing.

MOTION: Selectmen Potter moves favorable action on Article #18.
Selectmen Donahue seconded.

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

ARTICLE #19~ Appropriation of funds for community housing.

MOTION: Selectmen Potter moves favorable action.
Selectmen Donahue seconded.

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

ARTICLE #20~ Appropriation of funds for forest management and conservation restriction.

MOTION: Selectmen Potter moves favorable action.
Selectmen Donahue seconded.

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

ARTICLE # 21~ Historic Preservation Fearing Tavern.

MOTION: Selectmen Potter moves favorable action.
Selectmen Cronan seconded.

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

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ARTICLE #22~ Historic preservation restriction Kendrick museum.

MOTION: Selectmen Potter moves favorable action.

Selectmen Donahue seconded.

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

ARTICLE # 23~ Restoration Tremont Nail Complex.

MOTION: Selectmen Potter moves favorable action.

Selectmen Cronan seconded.

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

ARTICLE #24~ Historic Preservation ON-I-Set Wigwam and Ticket Booth

MOTION: Selectmen Potter moves favorable action.

Selectmen Donahue seconded.

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

ARTICLE #25~ Restoration of the slate roof of Memorial Town Hall

MOTION: Selectmen Potter moves favorable action.

Selectmen Cronan seconded.

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

ARTICLE #26~ Conservation Restriction Great Neck Conservation Project Phase 2.

MOTION: Selectmen Potter moves favorable action.

Selectmen Cronan seconded.

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

ARTICLE #27~ Engineering survey for William Minot Forest and Wildlife Sanctuary

MOTION: Selectmen Potter moves favorable action.

Selectmen Cronan seconded.

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

ARTICLE #28~ Architectural and structural survey at the Tremont Nail Complex.

MOTION: Selectmen Potter moves favorable action.

Selectmen Sauvageau seconded.

VOTE: **4-0-1** Selectmen Cronan abstained.

ARTICLE # 29~ Agawam Cemetery

MOTION: Selectmen Potter moves favorable action.

Selectmen Cronan seconded.

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

ARTICLE #30~ Preservation restriction, Oak Grove School.

MOTION: Selectmen Potter moves favorable action.

Selectmen Donahue seconded.

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

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ARTICLE # 31~ Westfield Recreation Fields

MOTION: Selectmen Potter moves favorable action.

Selectmen Sauvageau seconded.

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

ARTICLE #32~ Granting restrictions preserving athletic facilities,

MOTION: Selectmen Potter moves favorable action.

Selectmen Cronan seconded.

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

ARTICLE #33~ Preservation restriction Memorial Town Hall

MOTION: Selectmen Potter moves favorable action.

Selectmen Sauvageau seconded.

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

C. Other Town Business:

Present before the board for discussion is the Town Moderator Mr. Donahue regarding Town Meeting.

7. TOWN ADMINSTRATOR REPORT

- Met With Department Heads
 - Board of Health
 - Police Chief

- Met With Residents On Various Issues
- Met with Miia General Liability/Loss Control Representatives
- Worked On Developing Background Material for Town Meeting
- Attended Onset Protective League Meeting re. Onset Safety Concerns
- Attended a Meeting re. Onset Bathhouse Restoration
- Attended Finance Committee Meeting
- Had Meetings with Both Onset and Wareham Fire Districts
- Attended the Board of Selectmen's Vision Session
- Held the First Land Issues Workshop

The Board of Selectmen will not be signing warrants after the checks have been cut, sent out, or deposited.

SEWER BUSINESS

1. **Sewer Connection—Building 1C—The Village (W/S Development), Wareham Crossing.** A request has been received to tie Building 1C—The Village at Wareham Crossing to the town's collection system. The plan has been reviewed by David Simmons, WPCF Superintendent/Chief Plant Operator. If the Board approves this request, it is recommended that the approval be with the fee

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structure and conditions noted. (W/S Development has already paid the Commercial Sewer Permit Fee.)

Recommended action. Motion for the Board to approve the sewer connection tie-in request for Building 1C at Wareham Crossing subject to the following fee structure and conditions:

- Prior to backfilling, Water Pollution Control Facility staff shall inspect all cleanouts, pipe and connections.
- Any and all cuts within existing paved roadways shall be inspected and approved by the Director of Municipal Maintenance.
- Payment of all fees, including:
 - Design Review and Construction Inspection Fee of \$1,500.00
 - Sewer Connection Fee equivalent to twice the annual sewer fee:
Retail = 1 EDU/10,000sf; the breakdown is as follows:

Total square footage = 78,854sf = 7.9 EDUs x \$650/EDU/Year
doubled = \$10,270.00

TOTAL SEWER CONNECTION FEE BALANCE DUE: \$11,770.00

MOTION: Selectmen Potter moves the board to approve sewer the Sewer Connection for Building 1C- Wareham Crossing with the conditions noted above. Selectmen Donahue seconded.

VOTE 5-0-0 (Unanimous)

2. **Sewer Connection—Building 2—The Pavilion (W/S Development), Wareham Crossing.** A request has been received to tie Building 2—The Pavilion at Wareham Crossing to the town's collection system. The plan has been reviewed by David Simmons, WPCF Superintendent/Chief Plant Operator. If the Board approves this request, it is recommended that the approval be with the fee structure and conditions noted. (W/S Development has already paid the Commercial Sewer Permit Fee.)

Recommended action. Motion for the Board to approve the sewer connection tie-in request for Building 2—The Pavilion at Wareham Crossing subject to the following fee structure and conditions:

- Prior to backfilling, Water Pollution Control Facility staff shall inspect all cleanouts, pipe and connections.
- Any and all cuts within existing paved roadways shall be inspected and approved by the Director of Municipal Maintenance.
- Payment of all fees, including:
 - Design Review and Construction Inspection Fee of \$1,500.00
 - Sewer Connection Fee equivalent to twice the annual sewer fee:
Retail = 1 EDU/10,000sf; the breakdown is as follows:

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Total square footage = 27,930sf = 2.8 EDUs x \$650/EDU/Year
doubled = \$3,640.00

TOTAL SEWER CONNECTION FEE BALANCE DUE: \$5,140.00

MOTION: Selectmen Potter moves the board to approve the Sewer Connection Building #2 The Pavilion W/S Development with the conditions as noted above. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

3. **Sewer Connection—Building 2—The Pavilion (W/S Development), Wareham Crossing.** A request has been received to tie Building 1—The Pavilion at Wareham Crossing to the town's collection system. The plan has been reviewed by David Simmons, WPCF Superintendent/Chief Plant Operator. If the Board approves this request, it is recommended that the approval be with the fee structure and conditions noted. (W/S Development has already paid the Commercial Sewer Permit Fee.)

Recommended action. Motion for the Board to approve the sewer connection tie-in requests for the following establishments at Building 2—The Pavilion at Wareham Crossing subject to the following fee structure and conditions:

- Prior to backfilling, Water Pollution Control Facility staff shall inspect all cleanouts, pipe and connections.
- Any and all cuts within existing paved roadways shall be inspected and approved by the Director of Municipal Maintenance.
- The grease trap will be pumped out three (3) months after the restaurant opens and the owner will notify the WPCF when this is to occur so staff of the WPCF can inspect the grease trap and the future pumping frequency can be determined at that time.
- Payment of all fees, including:
 - Design Review and Construction Inspection Fee of \$1,500.00 (paid as part of the plans submitted for review for Building 2—Pavilion)
 - Sewer Connection Fee equivalent to twice the annual sewer fee: Retail = 1 EDU/10,000sf; the breakdown is as follows:

Cosi Restaurant regular seating = 1 EDU/12 seats. 80 seats = 6.7 EDUs x \$650.00/year doubled = \$8,710.00

Qdoba Restaurant regular seating = 2 EDU/12 seats. 65 seats = 5.4 EDUs x \$650.00/year doubled = \$7,020.00

TOTAL SEWER CONNECTION FEE BALANCE DUE: \$15,730.00

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MOTION: Selectmen Potter moves the board to approve the Sewer Connection Building #2 Pavillion Restaurant W/S Development located at Wareham Crossing with the conditions as noted above Selectman Donahue seconded.

VOTE: 5-0-0 (Unanimous)

4. **Sewer Abatement Request—Account 736496, 155 Cohasset Road, Map 7, Lot 46.** The Board is asked to approve abating this account for 1st half FY08 in the amount of \$325.00 for 1 EDU. The house was destroyed by fire December 14, 2006.

Recommended action. Motion for the Board to abate Account 736496 for 1st half FY08 in the amount of \$325.00.

MOTION: Selectmen Potter moves the board to abate the account #736496 for the first half of Fiscal Year 08, in amount of \$325. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Chairman Eckstrom notes that this should be capped until the structure is rebuilt.

5. **Sewer Abatement Request—Account 735723, 10 East Boulevard, Map 1, Lot 46A.** The Board is asked to approve abating this account for 1st half FY08 in the amount of \$325.00 for 1 EDU. The water has been off since October 7, 2004.

Recommended action. Motion for the Board to abate Account 735723 for the 1st half FY08 in the amount of \$325.00

Motion for the Board to abate Account 735723 for the first half of Fiscal year 08 in the amount of \$325.00

MOTION: Selectmen Potter moves the Board to approve the account 735 the amount of \$325.00.

Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

6. **Sewer Abatement Request—Account 736644, 3132 Cranberry Highway, Map 8, Lot 1009.** The Board is asked to approve abating this account for 1st half FY08 in the amount of \$650.00 for 2 EDUs. A site inspection August 29, 2007 confirmed two units were demolished.

Recommended action. Motion for the Board to abate Account 736644 for 1st half FY08 in the amount of \$650.00.

MOTION: Selectmen Potter moves the board to abate Account 736644 fir the 1st half FY08 in the amount of \$650.00. Selectmen Cronan seconded.

VOTE: 5-0-0 (Unanimous)

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7. **Sewer Abatement Request—Account 738196, 3040 Cranberry Highway, Map 130, Lot 1012.** The Board is asked to approve abating this account for 1st half FY08 in the amount of \$650.00 for 2 EDUs. A site inspection August 29, 2007 confirmed that the water has been disconnected at lot 49 and the unit on lot 39 was demolished.

MOTION: Selectmen Sauvageau moves the board to reconsider the previous motion. Selectmen Cronan seconded.

VOTE: 5-0-0 (Unanimous)

Mr. McAuliffe Town Administrator will check with Mr. Simmons regarding #6 and #7 **Recommended action.** Motion for the Board to abate Account 738196 for 1st half FY08 in the amount of \$650.00.

No Action taken

8. **Sewer Abatement Request—Account 737099, 43 Fresh Meadow Drive, Map 16, Lot B46.** The Board is asked to approve abating this account for 1st half FY08 in the amount of \$108.34 for 2 months. The Onset Water Department confirmed that the water was shut off June 2006, which meets the one year criteria and allows us to abate June and July 2007.

Recommended action. Motion for the Board to abate Account 737099 for 1st half FY08 in the amount of \$108.34.

MOTION: Selectmen Potter moves the board to abate Account 737099 for the 1st half FY08 in the amount of \$108.34. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

8. LIAISON REPORTS

Selectmen Cronan was invited to attend a meeting for the Oak Grove Cultural Center. He was asked to join the Oak Grove Resource Committee as a liaison. This group has put a lot of time and effort and deserves a lot of credit. They have great ideas for this center to preserve the history of the Cape Verdean culture. He has offered his construction experience. Selectmen Cronan encourages support from the town.

Selectmen Sauvageau encourages Historical application for CPC funding and offers his assistance with financing and fundraiser. He is also a liaison to this committee.

Chairman Eckstrom notes that the building needs to be preserved for its history and culture. She encourages CPC funding also.

Selectmen Potter reports:

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1. Onset Community next meeting is November 26, 2007.
2. Community Events Committee had their first meeting September 25, 2007. They have a lot of positive energy and is looking into helping to organize the Veterans Day Parade.
3. Regional Task Force, seventeen towns meeting on Thursday at the Lakeville Library regarding the Casino.

Selectmen Donahue reports that the Personnel Board met last Thursday and will have a representative from the employee's.

10. OTHER TOWN BUSINESS.

Chairman Eckstrom asks the Town Administrator r about state RFP's. The Town Administrator will be looking into these opportunities for own community.

11. ADJOURNMENT

Board is going into Executive Session to discuss bargaining negotiation and litigation.

MOTION: Selectmen Donahue moves that the board adjourns the meeting and go into Executive Session.

Selectman Cronan seconded.

VOTE: 4-1-0 (Selectmen Potter opposed)

Respectfully submitted,

Denise Valenti

Department Assistant

The foregoing minutes were submitted to the Board of Selectman/
Sewer Commissioners on: 11-18-08

Attest: ***Bruce D. Sauvageau***

Bruce D. Sauvageau, Clerk

Date Signed: 11-18-08

Date sent to Town Clerk: 11-19-08