

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: July 29, 2008
Date of Transcription: September 19, 2008
Transcribed by: Janet Wilson

A. CALL TO ORDER BY CHAIRMAN

Meeting to order at 7:00 P.M.

Selectmen Sauvageau will serve as Chairman Pro-Tem

Selectmen present: Bruce D. Sauvageau, Chairman, Pro Tem
Brenda Eckstrom,
John P. Cronan, (arrived at 7:08 pm)
M. Jane Donahue, Clerk, Pro Tem

Selectmen absent: James L Potter

Also present: John J. Sanguinet, Interim Town Administrator

MOTION: Chairman Eckstrom moved to have Selectmen Donahue serve as Clerk, Pro-Tem

VOTE: 3-0-0

B. CITIZENS PARTICIPATION

Present before the board: Antone Campinha
Mr. Campinha wanted to comment on recent racial tensions in Onset and asked the board to take a pro-active approach regarding the situation.

Present before the board: Anne Campbell

Ms. Campbell was representing the Onset Protective League to oppose charging a fee to park at Shell Point due to part of the decree.

Present before the board: Linda Andrade

Ms. Andrade spoke about the access right of way to Swifts Beach on Pleasant Street and also asked if she could be placed on a future agenda to discuss this with the board.

C. ANNOUNCEMENTS

1. Next meeting of the Board of Selectmen will be August 5th

D CONSENT AGENDA

1. Authorization to sign bills and documents, etc.
2. Approval of the May 20, 2008 Board of Selectmen's minutes

MOTION: Selectmen Donahue moved the board to approve the meeting minutes of May 20, 2008. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

E. LICENSES & PERMITS

1. 7:15 p.m. Hearing – to determine if a liquor license issued to Charlie's Place, Inc., Charles J. Nickolaow, Manager, 3075 Cranberry Highway, Wareham, should be modified, suspended, revoked or canceled for alleged sale of an alcoholic beverage or alcohol to a person under 21 years of age in direct violation of M.G.L. c.138 s.64 to wit: violation of M.G.L. c.138 s.34 and 204 CMR 2.05 (2).

Attorney Rich Bowen read into record the letter sent to Charlie's Place regarding the Liquor License Violation (as attached)

Present before the board: Harry Nickolaow

Mr. Nickolaow said he was apologetic and has been in business for 35 years and does not nurture a bar crowd and stated it was a lapse on his part.

Lt. Wallace said they stated they did a compliance check according to the Town's liquor license policy 06-01 and it was published in the media prior to conducting the compliance check. Attorney Bowen asked Mr. Nickolaow if he was entering a plea of sufficient facts which Mr. Nickolaow responded correct.

MOTION: Selectmen Donahue moved to close the hearing. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

Mr. Nickolaow would like the board to think of his employees when issuing the penalty.

MOTION: Selectmen Donahue moved suspension of three days on September 11th, 12th and 13th. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

2. 7:25 p.m. Continuation Hearing to determine if a liquor license issued to the Clermont Group LLC dba Webster Hall, Tony V. Blaize, Manager, 207 Main Street, Wareham should be modified, suspended, revoked or canceled for alleged sale of an alcoholic beverage or alcohol to a person under 21

years of age in direct violation of M.G.L. c.138 s.64 to wit: violation of M.G.L. c.138 s.34 and 204 CMR 2.05 (2).

Attorney Rich Bowen read into record the letter sent to The Clermont Group, LLC Webster Hall regarding the Liquor License Violation (as attached).

Present before the board: Mike Kelley & Tony Blaize

MOTION: Selectmen Eckstrom moved the board to open the hearing. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Attorney Bowen asked if anyone from Webster Hall would like to enter a plea. Mr. Blaize said they take this issue very seriously and apologized.

Lt. Wallace said they stated they did a compliance check according to the Town's liquor license policy 06-01 and it was published in the media prior to conducting the compliance check. Lt. Wallace stated that the person entered the establishment and purchased a Coors Light beer for \$3.00 and was not asked for an I.D. and was not asked for his age and served by a female with black hair and a white shirt.

Selectmen Sauvageau said that about 3 months ago they were sent an anonymous letter and since it was signed asked counsel if it could be used. Attorney Bowen stated that if someone wants to come forward with a complaint and get sworn then it can be heard. Attorney Bowen said that it cannot and should not be part of this record.

MOTION: Selectmen Eckstrom moved the board to close the hearing. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Donahue moved suspension of three days for Webster Hall on September 11th, 12th and 13th. Selectmen Eckstrom seconded

Selectmen Eckstrom stated that she was deeply offended that they were before the board about 6 months ago ensuring the board that there employees will be tips trained. Selectmen Sauvageau stated he would caution them as well.

VOTE: 4-0-0 (Unanimous)

7:35 p.m. on the application from Browne's Package Store, Inc. dba Browne's Liquors, Karan Johar, Manager, 135 Marion Road, Wareham, MA for change of officers/directors of an existing Year Round Retail Package Goods Store All Alcoholic Beverages License under the provisions of Chapter 138 of the Massachusetts General Laws for 2008.

Present before the board: Karan Johar

MOTION: Selectmen Donahue moved the board to accept the application from Browne's Package Store, Inc., d/b/a Browne's Liquors, Karan Johar, Manager, 145 Marion Road, Wareham MA for a change of officers/directors of an existing Year Round Retail Package Goods Store All Alcoholic Beverages License under the provisions of Chapter 138 of the Massachusetts General Laws for 2008. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

7:45 p.m. Continuation Hearing – Three month review of **MAPLE PARK PROPERTIES, INC.**, 290 Glen Charlie Road, East Wareham, MA on the Earth Removal Permit.

Present before the board: Brock Tucs & Attorney Frank McGee

Selectmen Sauvageau said they are before the board as agreed with the permit intervals of three months discussion concerning issuance of permit. Mr. Tucs was before the board asking for an extension. Selectmen Sauvageau stated they would not be speaking on the extension this evening since it was previously voted not to change the times on his permit and add additional loads. Mr. Tucs said that no activity has been going on for about 3-4 weeks. Selectmen Eckstrom said it was her understanding that the board has required that he go before the ZBA and the Building Inspector since it was a new activity done on the site and there was a question about zoning. Mr. McGee said an attorney representing some of the neighbors were going to file something with the ConCom and he did contact the other attorney and have not heard anything back from them.

Present before the board: Lisa Bindas, Resident 91 Maple Springs Road

Ms. Bindas spoke on behalf of her neighborhood stating that they would like to have Mr. Tucs stop using Maple Springs Road to haul. Ms. Bindas stated that Mr. Tucs has violated the conditions of his permit by having trucks starting early and queuing and they barrel down the road. Ms. Bindas stated that noise and vibration are still a problem and the trucks are driving fast. Ms. Bindas asked the board to stop having the earth removal permit use Maple Springs road.

Present before the board: Jaci Barnett, Resident 91 Maple Springs Road

Ms. Barnett said that she cannot enjoy her home due to the truck noise and she has witnessed the trucks starting early and also witnessed queuing.

MOTION: Selectmen Eckstrom moved the board to require Maple Springs Earth Removal Project to use Glen Charlie Road for any earth removal that it plans on doing. – No second - motion fails

MOTION: Selectmen Eckstrom moved to revoke the permit for violating the conditions. No second – motion fails

Selectmen Sauvageau stated that since the motioned failed they would see Mr. Tucs in three months for a review of his permit.

MOTION: Selectmen Donahue moved the board to continue the hearing. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

3. 8:10 p.m. - Application for a one-day all alcoholic beverages permit by Cromesett Tribe #156, Improved Order of Redmen, Inc., c/o Philip Gustafson, 745 Main Street, Wareham for a Clam Bake on Sunday, August 3, 2008 from 12:00 noon to 8:00 p.m. and for a family reunion on Saturday, August 16, 2008 from 10:00 a.m. to 8:00 p.m. under the provisions of MGL c.138, §14.

Present before the board: Philip Gustafson

4. **MOTION:** Selectmen Donahue moved the board to approve a one-day liquor all alcoholic beverages permit by Cromesett Tribe #156, Improved Order of Redmen, Inc., c/o Philip Gustafson, 745 Main Street, Wareham for a Clam Bake on Sunday August 3, 2008 from 12:00 noon to 8:00 p.m. under the provisions of MGL c.138, §14. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Donahue moved the board to approve a one-day liquor all alcoholic beverages permit by Cromesett Tribe #156, Improved Order of Redmen, Inc., c/o Philip Gustafson, 745 Main Street, Wareham for a Family Reunion on Saturday August 16, 2008 from 10:00 a.m. to 8:00 p.m. under the provisions of MGL c.138, §14. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

F. TOWN BUSINESS

1. Discussion with Marine Resources Commission

Present before the board: Alan Slavin

Mr. Slavin stated that the MRC were not notified of the meeting. Mr. Slavin stated that the MRC is in the process of putting together a new Harbor Management Plan and hope to have it together for the spring town meeting.

3. Discussion with Herring Commissioners

No one was in attendance.

4. Discussion re: Town Meeting Venue

Selectmen Donahue was in favor of moving Town Meeting back to the Town Hall. Selectmen Cronan and Eckstrom were also in favor of moving the Town Meeting back to the Town Hall. Selectmen Sauvageau would like the input from the Town Moderator, Town Clerk and the Finance Committee.

5. Wareham Vision Plan

Since the Chair was not available Selectmen Sauvageau requested they check with Chairman Potter to schedule a meeting to discuss the Vision plan on a Saturday.

6. Any other town business

Selectmen Sauvageau read an email from the Personnel board has made a request to the board to have access to Town Counsel.

Selectmen Eckstrom moved the board to have the Personnel Board access to work with Town Counsel. Selectmen Donahue seconded.

VOTE: 4-0-0 (Unanimous)

Selectmen Donahue stated that she along with Selectmen Eckstrom and Sauvageau attended an Economic Development Meeting in Taunton and stated that it was very informative.

MOTION: Selectmen Cronan moved the board to have Chairman Potter invite A.D. Makepeace to a meeting regarding Maple Springs Road and to have a letter inviting them sent. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

Selectmen Cronan said there was a 40B meeting the other evening on a 144 unit project and the consultant Dick Heaton has contacted Selectmen Cronan who then put him in contact with Mr. Sanguinet thru Mr. Ferreira to come before the Sewer Commissioners regarding sewer.

G. SEWER BUSINESS

1. Any other sewer business

H. TOWN ADMINISTRATOR'S REPORT

SELECTMEN BUSINESS

1. **BETA Group Inc.** – On July 1, 2008, I informed the Board that the BETA Group was preparing a pavement management system, using Onset as their PILOT area. I was informed earlier this week that they have completed the project. When reports are available I will schedule a meeting with the Board for BETA to come in and review it with them.
2. **FY09 Budget** – Town Accountant Bob Bliss and I have reviewed the FY09 budget. We were able to make adjustments based upon the insurance bid, funds that were budgeted for that were budgeted for in FY08 that should have been removed in FY09, changes in personnel (COA Director and Planning Director), as well as changes in revenues. Part of my review caused me to, unfortunately, eliminate funds for lifeguards. I will be reducing the administrative fee further. Budgets that will be adjusted due to estimated shortfalls are Legal and utilities in several budgets.
3. **Lifeguards** – Every community that operates a public swimming area has difficulty finding trained lifeguards for their areas. I hope to use some of the additional funds to establish a Town, school, private arrangement that offers Wareham High Seniors the necessary training as lifeguards. The details are yet to be worked out.
4. **Shell Point Beach Parking** – I was provided a copy of the 1916 Court decree (see attached) declaring that several areas on Onset Bay are to be open to the public and unrestricted (my interpretation). I have made a request of Town Counsel to review.
5. **Community Policing Office** – I have contacted Eagle Properties and am in the process of creating an agreement for use of this site. I have spoken to Town Counsel regarding the acceptance as a gift.
6. **Tremont Nail Architectural/Structural and Feasibility Study** – The committee met and selected Mendes, Torrey, and Spencer. They have a passion for this project that was evident in their interview and proposal. As soon as the Town has signed contracts in place they will begin the study. This should be part of the Board's Visioning discussions, because as chief executives of the Town your goal for redevelopment of these buildings is important.
7. **Peg Access and Tremont Nail Roof Agreements** – Both these agreements have been executed, copies are available.
8. **Enforcement of Noise By-Law** – I spoke to Chief Joyce regarding enforcement of the Noise By-law. As was explained by Selectmen Sauvageau, unless the violation is witnessed by the police officer, it cannot be enforced. Only police officers can issue these types of Non Criminal violations. A different ticket than the one used for parking violations is used allowing for the officer to write in the violation and assess the fine.

9. **Route 6 and 28** - Mass. Highway is seeking proposals for the design and construction of routes 6 and 28. I will keep you posted on that process.
10. **WS Development** – Chairman Potter has asked on several occasions if fees promised through the agreement with WS Development have been received by the town. I am pleased to say that the first payment was received October 13, 2007 and we should receive the second payment October 13, 2008 (see attached).
11. **No Place For Hate (NPFH)** – I would like to establish a NPFH or similar type program in Wareham. The Program is designed to discuss racial and other issues in the community and what programs/methods could be held to address them. I have spoken to the ADL and other communities that have established these programs already.
12. **Plumbing Inspector** – I will be interviewing and appointing a new Plumbing Inspector within the next couple of weeks.
13. **CDBG Grant** – CEDA Director Marilyn Whalley has informed me that the Town has been awarded its FY08 CDBG grant for an amount in excess of \$800,000.
14. **Senior Work-off Program** – Again, I have received zero complaints and the Police, Crime Watch and Harbormaster feel that this is working considerably well. I understand we had several tremulous times during the heavy storms, however, I did explain during the meeting held with them that during bad weather days they should decide on their own. Most I believe are following this advice.
15. **Subsidized Housing Inventory** – The town submitted the request to DHCD to count the units at 815 Main Street in our Inventory of Units (see attached).
16. **Quarterly Reports** – Under separate cover but included with this week's package are the quarterly reports covering the period April 1, 2008 through June 30, 2008.

I. **LIAISON REPORTS**
(none)

J. **ADJOURNMENT**

MOTION: Selectman Eckstrom moved to enter into Executive Session for the purpose of discussing strategy to litigation, if an open meeting may have a detrimental effect on the government's bargaining or litigating position.

Roll-call vote: Selectman Cronan – yes
 Selectman Sauvageau – yes
 Selectman Donahue – yes
 Selectman Eckstrom – yes

K. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted,
Janet Wilson
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/
Sewer Commissioners on:

Attest: ***M. Jane Donahue***, Clerk.

Date signed: 10-7-08

Date sent to the Town Clerk: 10-8-08