

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

Date of Meeting: July 15, 2008  
Date of Transcription: September 23, 2008  
Transcribed by: Janet Wilson

### **A. CALL TO ORDER BY CHAIRMAN**

Chairman Potter called the meeting to order at 7:20 P.M.

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

Also present: John J. Sanguinet, Interim Town Administrator

### **B. CITIZENS PARTICIPATION**

Present before the board: Sandy Slavin  
Ms. Slavin spoke about sewer being installed on Oak Street and stated that they were planning on putting a pumping station on which she believes is on Minot Forest land. Ms. Slavin was concerned the placement of the pumping station will be on Minot Forest land.

Present before the board: Mr. Bilodeau  
Would like to see transportation to the Selectmen's Meetings, street lights outside of Brandy Hill and would also like to see the MBTA come into town.

Present before the board: Diane Yarrington  
Ms. Yarrington spoke about the parking in Onset and feels that the town could bring in more revenue if they increase the fees to park on the pier at Onset.

### **C. ANNOUNCEMENTS**

1. Next meeting of the Board of Selectmen will be July 29th

### **D. CONSENT AGENDA**

1. Authorization to sign bills and documents, etc.

**E. LICENSES & PERMITS**

1. Hearing 7:15 P.M. on the application from AL & El Corporation, d/b/a Ella's Woodburning Oven Restaurant, Bree D. Swierkowski, Manager, 3136 Cranberry Highway E. Wareham, MA for a Seasonal Common Victualer All Alcoholic Beverages License (change of category) under the provisions of Chapter 138 of the Massachusetts General laws for 2008.

**MOTION:** Selectmen Eckstrom moved to open the hearing. Selectmen Cronan seconded.

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

Present before the board: Attorney Len Bello & Bree Swierkowski

Atty. Bello stated they are looking to change the hours of operation and to also change the category to All Alcoholic Beverages License.

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

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

**MOTION:** Selectmen Sauvageau moved to accept the application from Al & El Corporation, d/b/a Ella's Woodburning Oven Restaurant, Bree D. Swierkowski, Manager, 3136 Cranberry Highway, E. Wareham, MA for a Seasonal Common Victualer All Alcoholic Beverages License due to a change of category under the provisions of Chapter 138 of the Massachusetts General Laws for 2008 with a change of operating hours as prescribed in the application.. Selectmen Eckstrom seconded.

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

Hearing 7:30 P.M. on the application for transfer of an existing Year Round Common Victualer Wines and Malt Beverages License from Mario & Caio Corporation d/b/a American Pizza and Grill to St. Maria S. St. Gerges of Wareham, Inc., d/b/a American Pizza & Grill, Ehab Khalil, Manager, 2360 Cranberry Highway, W. Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws for 2008.

**MOTION:** Selectmen Eckstrom moved to open the hearing. Selectmen Donanue seconded.

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

**MOTION:** Selectmen Eckstrom moved to close the hearing. Selectmen Cronan seconded.

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

**MOTION:** Selectmen Sauvageau moved the board to approve the application for transfer of an existing Year Round Common Victualer Wines and Malt Beverages License from Mario & Caio Corporation d/b/a American Pizza and Grill to St. Maria S. St. Gerges of Wareham, Inc., d/b/a American Pizza & Grill, Ehab Khalil, Manager, 2360 Cranberry Highway, W. Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws for 2008. Selectmen Cronan seconded.

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

Hearing: 7:45 P.M. on the application from Concol, Inc., d/b/a Narrows Crossing Restaurant, Robert J. Nawoichik, Manager, 1 Narrows Road, Wareham, MA for the alteration of premises under the provisions of Chapter 138 of the Massachusetts General Laws

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

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

Present before the board: Robert Nawoichik

Mr. Nawoichik is looking to alter the premises to include a storage area.

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

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

**MOTION:** Selectmen Sauvageau moved the board to approve the application from Concol Inc., d/b/a Narrows Crossing Restaurant, Robert J. Nawoichik, Manager, 1 Narrows Road, Wareham, MA for the alteration of premises under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Cronan seconded.

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

Application for a one-day alcoholic beverages permit by Rita A. Martiniz, 852 Hancock Street, Abington for a wedding party to be held at the Old Red Farm Inn on August 2, 2008 from 6:00 p.m. to 11:30 p.m. under the provisions of MGL c, 138, § 14.

Present before the board: Tom Duggan

Selectmen Potter stated that he would be sending a letter to the Red Farm Inn informing them the board will no longer be approving applications until the Red Farm Inn applies for a Liquor License.

**MOTION:** Selectmen Sauvageau moved to approve the one-day alcoholic beverages permit by Rita A. Martiniz, 852 Hancock Street, Abington for a wedding party to be held at the Old Red Farm Inn on August 2, 2008 from 6:00 p.m. to 11:30 p.m. under the provisions of MGL c, 138, § 14.

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

Application for one-day all alcoholic beverages permit by Sue Gifford, Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham for a Pig Roast Fundraiser to be held at the outside area of the Elks on July 27, 2008 from 12:00 noon to 8:00 pm under the provisions of MGL c, 138, § 14.

Ms. Gifford approached the board before the meeting and asked the board to vote favorable action on the application.

**MOTION:** Selectmen Donahue moved the board to approve the application for one-day all alcoholic beverages permit by Sue Gifford, Wareham Lodge of Elks, 2855 Cranberry Highway, East Wareham for a Pig Roast Fundraiser to be held at the outside area of the Elks on July 27, 2008 from 12:00 noon to 8:00 pm under the provisions of MGL c, 138, § 14. Selectmen Eckstrom seconded.

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

**F. TOWN BUSINESS**

Present before the board: Matt Bellisle & Alan Orsey from Pare Engineering Presentation on the structural status of Tremont and Park Mills Dams.

Discussion with CEDA~~

Present before the board: Marilyn Whalley, Jean Connaughton and Sandra Besse

Selectmen Potter wanted to discuss the role of the CEDA Board and the Board of Selectmen and wants to work together with future projects. Mr. Sanguinet would like the board to delegate authority to him to sign documents for the group. The Board after lengthy discussion would like to have a plan of action on keeping the board informed and updated.

Charles Rowley requesting board's signature re: Woodland Circle on layout plan.

**MOTION:** Selectmen Eckstrom moved the board to approve the Chairman to sign. Selectmen Donahue seconded.

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

Liquor Licenses – Board to vote and approve Senate Bill #2741 amendment.

**MOTION:** Selectmen Eckstrom moved the board to approve the amendment to bill # 2741. Selectmen Sauvageau seconded.

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

Selectmen Eckstrom brought up an email she received about a temporary appointment of a Sergeant.

**MOTION:** Selectmen Eckstrom moved the board to veto the temporary appointment of Sergeant and reconsider upon further information received. Selectmen Donahue seconded.

**VOTE: 4-1-0** Selectmen Cronan opposed

**G. SEWER BUSINESS**

Charles Rowley requesting vote of the board for sewer tie-in at 8 Tyler Ave.

**MOTION:** Selectmen Eckstrom moved the board to deny the request for Sewer tie-in at 8 Tyler Avenue. Selectmen Donahue seconded.

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

Discussion with Camp, Dresser & McKee re: summer projects  
Present before the board: Mike Guidice

Mr. Guidice updated the board on the next sewer project – Contract #1 Linwood/Ladd Avenue, Oakdale and Tempest Knob. Mr. Guidice stated that the design is done however the easement and permit work has not been done and therefore it's not out to bid. Contract #2 Parkwood Beach and Cromesett Park should go out to bid by fall and Contract #3 Agawam Beach and Mayflower Ridge the design is 75% complete

**MOTION:** Selectmen Sauvageau move the board to have CDM draft a letter for the board to distribute to the residents with some preliminary information. Selectmen Eckstrom seconded.

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

**MOTION:** Selectmen Sauvageau moved the board to approve Amendment No. 3 agreement dated August 15, 2006 between the Town of Wareham and Camp, Dresser & McKee, Inc., for Professional design, bidding and construction services. Selectmen Eckstrom seconded.

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

**H. INTERIM TOWN ADMINISTRATOR'S REPORT**

1. **Town Auction:** As you are aware, the Town placed for auctioned 8 properties May 31, 2008. All the properties apparently sold. As of last week, two of the bidders failed to sign purchase and sale agreements and thus have defaulted. The town retains their deposits and I will re-auction those properties at a future date. The new amount received from that auction is \$13,500.
2. **Fireworks:** As you are aware, the Fireworks display was postponed until Sunday, July 6, 2008 due to foul weather Saturday. There were a few incidents that the Police Department needed to respond to that related to the Fireworks (report from the police department enclosed). There are many people that should take a bow for their effort in returning this grand celebration to Wareham. I do

not want to offend anyone by missing someone's name, so I will refrain from mentioning individuals and just say thank you to everyone who assisted. I will commend the Municipal Maintenance Department, however, for their efforts over the weekend, including Monday's clean up.

3. **PEG Access Lease:** I have signed a lease with PEG Access to use Old Town Hall as their studio. Monthly rental is \$1,500.
4. **Maple Springs Road:** A meeting has been scheduled with A.D. Makepeace, Tucs Enterprises, Mark Gifford and I to discuss Maple Springs Road's condition. This meeting is scheduled for Monday July 14, 2008.
5. **Senior Work-off Program:** I meet with several seniors on Tuesday at Swifts Neck and Swifts Beach and all seemed in agreement that the program is going well. Those individuals without passes accepted they needed to go to Town Hall or the Pier for them.

This office spoke to several seniors who worked over the July Fourth weekend and they reported that no problems were encountered and it was a slow weekend due to weather.

6. **Request for Streetlight:** The Town received a request to have a streetlight installed on Saltworks Road at our sewer pump station. In talking to the police it can be a dark area so a streetlight is warranted.

**Recommendation:** Motion for the Board to approve the installation of a streetlight next to the sewer pump station located on Saltworks Road, and to direct the Interim Town Administrator to arrange for its installation.

**MOTION:** Selectmen Sauvageau moved the board to approve the installation of a streetlight for security purposes located next to the sewer pump station on Saltworks Road and to direct the Interim Town Administrator to arrange for its installation and the revenues to be produced from the Sewer Enterprise Account. Selectmen Donahue seconded.

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

7. **Parking Restrictions:** At the Board's June 17, 2008 meeting, the Board voted to have Municipal Maintenance install a Handicapped space across from the Wareham Post Office by the Merchants Way on the Bay Cafe. Upon review with Municipal Maintenance Director Mark Gifford, he recommended, and I concur, that the spot directly across from the Post Office at the Crosswalk be given this designation instead. The handicapped ramp at this location is properly installed while the ramp at the location previously approved is not ADA acceptable.

Further, the two spaces across from Kenny's in Onset were removed because that is where the road starts to narrow. Parking spaces also need to be a minimum of

ten (10) feet from a fire hydrant, and need to allow eight (8) feet from the curb. This would mean the driver's door would be opening more than halfway into the travel lane of the road, which would be a significant safety hazard. As I was sitting there, a Verizon truck was parked in that location and traffic need to come across the centerline to go by it. All other spaces have been signed as voted.

**Recommendation:** Motion for the Board to rescind their vote at their June 17, 2008 meeting relative to designating one handicapped space across from the Wareham Post Office in front of the Merchants Way on the Bay Café, and to designate two regular spaces across from Kenny's, and to further approve a Handicapped space directly across from the Wareham Post Office at the crosswalk.

**MOTION:** Selectmen Sauvageau moved the board to rescind their vote at their June 17, 2008 meeting relative to designating one handicapped space across from the Wareham Post Office in front of the Merchants Way on the Bay Café and to further approve a handicapped space directly across from the Wareham Post Office at the crosswalk. Selectmen Eckstrom seconded.

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

8. **Request from National Grid:** Friday, July 11, 2008 I meet with representatives of National Grid to discuss the town by-law requiring contractors to repave roads edge to edge when opening a street. National Grid wishes to replace a steel pipe on Third Street in Onset, a pipe they have had many problems with as it is corroded and needs replacement. They mentioned a Boston Gas vs. the City of Chelsea case that prohibited this type of requirement. I would like to allow them to do the work necessary as I see this as a public safety hazard and let the lawyers work out the details of the legality of our by-law later.

**Recommendation:** Motion that the Board authorize the Town Administrator to sign the road opening permit allowing National Grid to replace a gas main on Third Street in Onset and that this permit include language that National Grid must complete any additional work to Third Street that is required by the Town at a future date.

**MOTION:** Selectmen Sauvageau moved the board to authorize the Town Administrator to sign the road opening permit allowing National Grid to replace a gas main on Third Street in Onset and that this permit include language that National Grid must complete any additional work to Third Street that is required by the Town at a future date consistent with the Town of Wareham's By-laws rules and regulations requiring such repair. Selectmen Donahue seconded.

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

9. **Meeting with Unions.** I have begun meeting with the various town union groups on new contracts and will be updating the Board July 29, 2008 in executive session.
10. **Neighborhood Watch:** I am finalizing details on reimbursement to the Onset Community Crime Watch Inc. for costs incurred while assisting us in the parking enforcement. The biggest expense is for gasoline for their vehicles.
11. **Tremont Nail Roof and Architectural Study:** I awarded a contract to Mike's Construction of Dudley, Mass., for the Roof Project. They came highly recommended. The Committee met with three architects Thursday, July 10, 2008, and I hope to be awarding that contract this week.
12. **Planning and COA Position:** Attached are the ads that were placed for the Planning and the COA director positions. Both will be advertised in the Wareham Courier and placed on the MMA website, as well as the Planner and COA associations' websites. The response date for both is Wednesday, August 13, 2008, by 4:00PM.
13. **Swifts Beach and Conservation Restrictions:** I have spoken to Town Counsel regarding both of these issues. Town counsel indicated that they would provide me with their opinion, and further suggest that due to potential litigation it not be released.
14. **Wireless Connection:** The antenna system has final been installed allowing for a wireless signal to be transmitted across the town for municipal purposes only. The police will now be able to access their systems easier and faster. There are two small areas that need to be covered but the town is close to 85% covered.

## **SEWER BUSINESS**

1. **Sewer Connection Request, 477-481 Main Street, Lot 1016 & 1017, Map 61.**  
A request was received to tie the office building at the referenced location to the sewer system and presented to the Board April 22, 2008. It has been verified that the betterments assessed in 1974 for these lots were paid in full (\$523.90 and \$760.50 respectively), and there was no request for abatement of the betterment. The request 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.

**Recommended action.** Motion for the Board to approve the sewer connection tie-in request for 477-481 Main Street, Lot 1016 & 1017, Map 61, 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 betterment for both lots were assessed in 1974 and have been paid in full, therefore, a Sewer System Development Charge will not be assessed.
- The connection fees are as follows:
  - Commercial Sewer Permit Fee of \$250.00 plus \$.10/square foot of the base of the building (4,625 sq. ft.) = \$712.50
  - Design Review and Construction Inspection Fee of \$1,500.00
  - Sewer Connection Fee equivalent to twice the annual sewer fee: There are 2 EDUs @ \$650.00/year per EDU, doubled = \$2,600.00

**MOTION:** Selectmen Sauvageau moved the Board to approve the sewer connection tie-in request for 477-481 Main Street, Lot 1016 & 1017, Map 61, 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 betterment for both lots were assessed in 1974 and have been paid in full, therefore, a Sewer System Development Charge will not be assessed.
- The connection fees are as follows:
  - Commercial Sewer Permit Fee of \$250.00 plus \$.10/square foot of the base of the building (4,625 sq. ft.) = \$712.50
  - Design Review and Construction Inspection Fee of \$1,500.00
  - Sewer Connection Fee equivalent to twice the annual sewer fee: There are 2 EDUs @ \$650.00/year per EDU, doubled = \$2,600.00

Selectmen Eckstorm seconded.

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

**TOTAL SEWER CONNECTION FEE BALANCE DUE: \$4,812.50**

2. **FY2009 1<sup>st</sup> Quarter Bourne Sewer Usage Billing.** The Board is asked to approve the 1st quarter FY2009 sewer bill for the Town of Bourne in the amount of \$61,444.62. This includes \$51,147.43 for Bourne's share of the treatment plant and \$10,297.19 for their share of the pumping stations.

**Recommended action.** Motion for the Board to approve the 1st quarter FY2009 sewer bill for the Town of Bourne in the amount of \$61,444.62 and to commit this amount to the Town Treasurer-Collector.

**MOTION:** Selectmen Sauvageau moved the board to approve the 1<sup>st</sup> quarter FY2009 sewer bill for the Town of Bourne in the amount of \$61,444.62 and to commit this amount to the Town Treasurer-Collector. Selectmen Eckstrom seconded.

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

**I. LIAISON REPORTS**

Selectmen Sauvageau stated that SRPEDD is offering 20 free hours of consultation to every community within its jurisdiction and it can be used for any municipal purpose including land use, conservation zoning, amending of by-laws. Selectmen Sauvageau would like the Chair to send a letter to all boards and committees and make them aware of this service.

Selectmen Donahue said the Swan Festival was a very successful event. Onset Pavilion unveiling of the mural will be held next week

**J. ADJOURNMENT**

Selectmen Eckstrom moved the board to adjourn. Selectmen Donahue seconded.

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

**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: \_\_\_\_\_  
Bruce D. Sauvageau, Clerk.

Date Signed: \_\_\_\_\_

Date sent to the Town Clerk; \_\_\_\_\_