

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: December 2, 2008

Date of Transcription: December 3, 2008

Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

Chairman Potter called the meeting to order at 7:15 P.M.

2. ROLL CALL

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

Also Present: John J. Sanguinet, Interim Town Administrator

3. CITIZENS PARTICIPATION

Present before the board: Jim Eubanks

Mr. Eubanks stated he would hope that the board would appoint the three candidates before the board tonight as members to the COA Board of Directors.

Present before the board: Jim Newman

Mr. Newman spoke about a program from the RMV to enforce handicapped parking violations.

Present before the board: Craig Bamberry

Mr. Bamberry spoke about the Emergency Preparedness and also about street lighting.

4. ANNOUNCEMENT

The board is looking for interested candidates/volunteers to serve on the Charter Review Committee that will begin in January. Anyone interested should fill out a committee application.

The next meeting of the board will be December 9, 2008.

The Wareham Historical Society will be holding a Christmas Carol followed by an Egg Nog Party Punch and a variety of holiday treats on December 13, 2008 at 3:00 p.m. at the Old Methodist Meeting House, 495 Main Street, Wareham, MA. Adults - \$10.00 and Children - \$5.00. Tickets will be available at the door or for advanced reservations, call 508-273-0069.

5. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc. (none)
- b. Approval of the Board of Selectmen/Sewer Commissioners meeting minutes of November 13, 2007 and November 4, 2008.

MOTION: Selectmen Sauvageau moved to approve the meeting minutes of November 13, 2007. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Sauvageau moved to approve the meeting minutes of November 4, 2008. Selectmen Eckstrom seconded.

VOTE: 4-0-1 (Selectmen Donahue abstained)

- c. Appointment/Interview of three applicants for the Council on Aging Board of Directors.

Present before the board: Thomas J. Monaghan

Mr. Monaghan was before the board seeking appointment as a member to the COA Board of Directors.

MOTION: Selectmen Sauvageau moved the board appoint Thomas J. Monaghan as a member to the COA Board of Directors to a term to expire June 30, 2011. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Present before the board: Mary Mackey

Ms. Mackey was before the board seeking appointment as a member to the COA Board of Directors.

MOTION: Selectmen Sauvageau moved the board to appoint Mary Mackey as a member to the COA Board of Directors to a term to expire June 30, 2011. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Present before the board: David Smith

Mr. Smith was before the board seeking appointment as a member to the COA Board of Directors.

MOTION: Selectmen Sauvageau moved the board to appoint David Smtih as a member to the COA Board of Directors to a term to expire June 30, 2011. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

6. 7:15 p.m. - Hearing – FY09 CLASSIFICATION with the Director of Assessing

Discussion on whether to table the FY 09 Classification hearing until December 9th since the board has some unanswered questions they would like answered prior to making a decision.

Steve Curry, Chairmen Board of Assessors was before the board explaining that once the Residential Factor is set it has to be sent to the state for approval which can take a week to 10 days and the billing needs at least 2-3 weeks to process the bills and in prior years the town has had estimated bills go out at the beginning of the year and does not believe the state will allow this to happen for the 3rd time in 4 years. If the bills go out after January 1st the payment will not be due until May 1st and they won't have to pay it within 30 days.

MOTION: Selectmen Sauvageau moved to continue the hearing until December 9, 2008 with some discussion with Richard Gonsalves later this evening. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Present before the board: Dorothy Vicino, Richard Gonsalves

Ms. Vicino & Mr. Gonsalves spoke about the small business exemption and how with the VADAR billing system it would be impossible to do a tax split. Selectmen Donahue stated that she had asked for information a few weeks ago regarding small businesses and was never given the information she asked for.

MOTION: Selectmen Eckstrom moved the board to reconsider to set the tax rate at one and continue until next week December 9, 2008. Selectmen Sauvageau seconded for discussion.

VOTE: 5-0-0 (Unanimous)

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

VOTE: 5-0-0 (Unanimous)

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

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved to set the tax rate as one. Selectmen Doanhue seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Eckstrom moved the board to have the Chairman next year have the Assessor and the Board of Assessors in for a meeting the 1st week of August. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

LICENSES & PERMITS:

Approximately 7:15 p.m. – Show Cause Hearing - The Clermont Group, LLC d/b/a Webster Hall, 207 Main Street, Wareham should be revoked or cancelled based upon M.G.L. c. 138

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

VOTE: 5-0-0 (Unanimous)

Present before the board: Mike Kelley, L.Wayne Seaton, Webster Hall and Margaret Ishihara, Attorney for the Tsintas LLC. Attorney Ishihara was before the board asking for a motion to intervene and transfer the license and to also be notified of any notices through the mail.

Attorney Ilana Quirk advised the board that they should grant the motion for continuance requested by Webster Hall due to the fact that an application has been filed for a Change of Manager.

MOTION: Selectmen Eckstrom moved the board to continue the hearing until December 16, 2008. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Renewal of the following Year Round Retail Package Goods Store All Alcoholic Beverages Licenses for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved to approve the following Year Round Retail Package Goods Stores for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Passan, Inc., d/b/a Anchor Liquors, Beau Beecy, Manager, 2360 Cranberry Highway, W. Wareham

Assinippi Liquors, Inc., Raymond Vezina, Manager, 3 Barker Road, E. Wareham
Browne's Package Store, Inc., d/b/a Browne's Liquors, Karan Johar, Manager, 135 Marion Road, Wareham

CapePaky, LLC, d/b/a Capeway Package Store, Anthony Jeffrey, Manager, 3187 Cranberry Highway, E. Wareham

Winston Enterprises, Inc., d/b/a Hilltop Package Store, 45 Sandwich Road, Wareham

The Jinjas Company, Ltd., d/b/a The Jug Shop, Adelaide DePonte, Manager, 219 Main Street, Wareham

The Liquor Locker, Inc., Nanu Patel, 3021 Cranberry Highway, E. Wareham

SELECTMEN/SEWER COMMISSIONERS MEETING – 12/2/08 (CONT'D)

SRI OM, LLC, d/b/a Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, E. Wareham

Mill Pond Station, LLC, James Kane, Manager, 2569 Cranberry Highway, Wareham

Oak Grove Corporation, Ronald McCoy, Manager, 47 Depot Street, Wareham

Onset Village Market, Inc., Stephen Souza, Manager, 231 Onset Ave., Onset

Pepin's Inc., d/b/a Pepin's Liquors, Mark Pepin, Manager, 2259 Cranberry Highway W. Wareham

D.J. Sullivan, LLC d/b/a Sullivan Wine & Spirit, Joel Sullivan, Manager, 260 Marion Road

Renewal of the following Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved the board to approve the following Year Round Common Victualer All Alcoholic Beverages License for the year 2009, under the provisions of Chapter, 138 of the Massachusetts General Laws. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Trova, Inc., d/b/a Bailey's Surf n' Turf, Richard O'Melia, Manager, 3056 Cranberry Highway, E. Wareham

Bay Pointe Country Club, Inc., d/b/a Bay Pointe Country Club, Michael Herron, Manager, 19 Bay Pointe Drive, Onset

Charlie's Place, Inc., Charles Nickolaow, Manager, 3075 Cranberry Highway, Wareham

Pepper Dining, Inc., d/b/a Chili's Grill & Bar, Robert Zahara, Manager, 2889 Cranberry Highway, E. Wareham

Fan Club, Inc., Glen Justice, Manager, 2859 Cranberry Highway, E. Wareham

G.S. Corporation, d/b/a Gateway Tavern, Joseph Sauro, Manager, 371 Marion Road, Wareham

Hong Kong Island Restaurant, Inc., Henry Chan, Manager, 3035 Cranberry Highway, E. Wareham

Lindsey's Inc., Cheryl Lindsey, Manager, 3138 Cranberry Highway, E. Wareham

Little Harbor Country Club, Inc., Christine DiRienzo, Manager, 2 Little Harbor Road, Wareham

Rare Hospitality International, Inc., d/b/a LongHorn Steakhouse, Patricia Garcelon, Manager, 2421 Cranberry Highway, Suite 480, Wareham

Concol, Inc., d/b/a Narrows Crossing Restaurant, Robert Nawoichik, Manager, 1 Narrows Road, Wareham

99 Restaurants of Boston, LLC, d/b/a 99 Restaurant & Pub, 3013 Cranberry Highway, E. Wareham

Stevie B's, Inc., d/b/a Onset Sports Resort, Stephen Beranger, Manager, 270 Onset Avenue, Onset

SELECTMEN/SEWER COMMISSIONERS MEETING – 12/2/08 (CONT'D)

Pier View Restaurant, Inc., d/b/a Stephen's Lounge, Stephen Baptiste, Manager, 201 Onset Avenue, Onset

Welch Restaurant & Lounge, Inc., d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway, Wareham

Red Robin International, Inc., d/b/a Red Robin America's Gourmet Burgers & Spirits, Michael Morrill, Manager, 2421 Cranberry Highway, Suite 350, Wareham

Salerno's Inc., d/b/a Salerno's Function Hall, John C. Salerno, Manager, 196 Onset Avenue, Onset

Vel's, Inc., d/b/a Vel's Restaurant, Carlton Bump, Manager, 2352 Cranberry Highway, W. Wareham

Renewal of the following Year Round Common Victualer Wines and Malt Beverages License for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved the board to approve the following Year Round Common Victualer Wines and Malt Beverages License for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Welch's Barnacle Bills, Inc., Barnacle Bills, Brian Welch, Manager, 3126 Cranberry Highway, E. Wareham

Marc Anthony's LaPizzeria, Ltd., d/b/a Marc Anthony's, Mark A. Salerno, Manager, 190 Onset Avenue, Onset

Tsika, d/b/a Minerva's Pizza, Litsa Kalkanis, Manager, 257 Main Street, Wareham

Renewal of the following Year Round Club All Alcoholic Beverages License of the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved the board to approve the following Year Round Club All Alcoholic Beverages License of the year 2009, under the provisions of Chapter 138 of Massachusetts General Laws: Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Wareham Lodge of Elks #1538, Manuel J. Garcia, Manager, 2855 Cranberry Highway, E. Wareham

Cromesett Tribe #156 Improved Order of Redmen, Inc., Philip Gustafson, Manager, 745 Main Street, Wareham

Renewal of the following Year Round Veterans Club All Alcoholic Beverages License of the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws:

SELECTMEN/SEWER COMMISSIONERS MEETING – 12/2/08 (CONT'D)

MOTION: Selectmen Sauvageau moved the board to approve the following Year Round Veterans Club All Alcoholic Beverages License of the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

American Legion, Inc., d/b/a American Legion Post #220, John Fearing, Manager, 777 Main Street, Wareham
Dudley L. Brown Post #2846 VFW of US, Inc., Arthur Lee, Manager, 4 Gibbs Ball Park Road, Onset

Approve the following applications of Year Round Liquor Licensees to remain open until 2:00 a.m. on January 1, 2009 for New Years Eve Parties to be held December 31, 2008, under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved the board to approve the following Year Round Liquor Licenses to remain open until 2:00 a.m. on January 1, 2009 for New Years Eve Parties to be held December 31, 2008, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Donahue seconded for discussion. Selectmen Donahue feels that due to the problems in the past with Onset Sports Resort they ask Mr. Beranger to come before the board for this request and also have the Police Chief provide his recommendations. Selectmen Sauvageau withdrew his motion to not include Stevie B's d/b/a Onset Sports Resort, Stephen Beranger, Manager, 270 Onset Avenue, Onset. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

G.S. Corporation, d/b/a Gateway Tavern, Joseph Sauro, Manager, 371 Marion Road, Wareham
Hong Kong Island Restaurant, Inc., Henry Chan, Manager, 3035 Cranberry Highway, E. Wareham
Salerno's Inc., d/b/a Salerno's Function Hall, John C. Salerno, Manager, 196 Onset Avenue, Onset
Wareham Lodge of Elks, Manuel Garcia, Manager, 2855 Cranberry Highway, E. Wareham

Approve the following application of a Year Round Common Victualer Wines & Malt Beverages License to include Cordials and Liqueurs for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved the board to approve the following application of a Year Round Common Victualer Wines & Malt Beverages License to include Cordials and Liqueurs for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws: Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Hadley-Macintosh Enterprises, d/b/a The Stonebridge, Justin Hadley, Manager, 5 East Blvd, Onset

Approve the following applications for extensions of seasonal liquor licenses from December 1, 2008 through January 15, 2009 under the provisions of Chapter 138 of the Massachusetts General Laws:

MOTION: Selectmen Sauvageau moved the board to approve the following applications for extensions of seasonal liquor licenses from December 1, 2008 through January 15, 2009 under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Bay Pointe Functions, d/b/a Bay Pointe Country Club, Michael Herron, Manager, 19 Bay Pointe Drive, Onset

AL & EL Corp., d/b/a Ella's Wood Burning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, E. Wareham

8. TOWN BUSINESS

7:30 p.m. Public Hearing re: Whether to change the names of two streets, which now are known as Wankinco Avenue and Wankinquoah Avenue.

MOTION: Selectmen Donahue moved the board to open the hearing. Selectmen Eckstrom seconded. – *Note:* At this point Selectmen Sauvageau recused himself

VOTE: 4-0-0

The Board of Selectmen held a public hearing, under G.L. c.85, §3, 3B, to consider whether to change the names of two streets, which now are known as Wankinco Avenue and Wankinquoah Avenue.

Present before the board: George Barrett, Chairman of Planning Board
Mr. Barrett said that an intern from the Planning Board was giving a task to find Duplicate Street names and feels that this might have started the name change.

Present before the board: Peter Murphy, Senior Dispatcher 911 Supervisor
Mr. Murphy stated that the streets proposed to the intern and the planning board to change was the Wankinquoah in Swift's beach and in Cromesett. Mr. Murphy stated that in the past when a 911 call came in they use to have to ask if they were located in Swifts Beach or Cromesett.

Present before the board: Kathy Allard & Ms. Allard's Attorney
The Attorney feels that the entire problem started with the putting up of a bad sign Ms. Allard has a petition signed that 4 out of the 6 people on the street don't want the street name to be changed to Oceanside. Ms. Allard also suggested that perhaps placing under the street sign the house numbers along with arrows.

SELECTMEN/SEWER COMMISSIONERS MEETING – 12/2/08 (CONT'D)

Present before the board: John Collins

Mr. Collins lives on Wankinquoah and stated that he does not understand why the board is holding a hearing tonight after a decision has already been made by an Administrative Law Judge.

Present before the board: Rose Sauvageau

Ms. Sauvageau feels that it would be a public safety issue if the streets didn't have separate names and they should remain different.

Present before the board: Joseph Vendetti

Mr. Vendetti would just like to have a resolution to this and really does not care what the street name is but would like for it to just be resolved.

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

VOTE: 4-0-0

MOTION: Selectmen Donahue moved the board to have the left side as Oceanside numbered property and the right side as Wankinquoah Avenue. Selectmen Eckstrom seconded.

VOTE: 4-0-0

Note: At this time the board took a 10 minutes break

Discussion with Finance Committee

Selectmen Potter wanted to have a discussion on developing a policy on putting money aside for stabilization and reserves.

Present before the board: Richard Paulsen, William White, and Donna Bronk, Dave Trudell.

Mr. Paulsen stated that a percentage of the million dollars the town will have next year by not having to payoff the school or the library should be put aside into stabilization fund.

Ms. Bronk said that the town does need to have a capital plan even if it causes a reduction in staff and the town needs to put aside some money into a fund.

Mr. Trudell said the town needs a capital plan and is frustrated that one is not in place and would like to have a rough plan ready for next Town Meeting.

MOTION: Selectmen Sauvageau moved the board to go beyond the hour of 10:00 P.M. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Discussion ensued about Capital Planning.

SELECTMEN/SEWER COMMISSIONERS MEETING – 12/2/08 (CONT'D)

Liquor License renewal certification for the ABCC. (No action taken)

WAREHAM VISION PLAN ~ (No action taken)

- Policy #88-02 – Access to Town counsel
- Policy #88-03 – Candidates for Boards, Committees or Commission
- Policy #88-04 – Town Owned Vehicle Usage
- Policy #88-05 – Business Certificates
- Policy #88-06 – Reserve Fund Transfer Requests
- Policy #88-07 – Taxicab Rules & Regulations
- Policy #88-08 – Reporting on Status of Town
- Policy #88-09 – Submission of Town Meeting Warrant Articles
- Policy #88-10 – Goals & Objectives FY89 and Beyond

SELECTMEN BUSINESS

1. **FY2010 Budget:** I met with staff Tuesday, November 25 to begin the budget process. At this meeting I told them that 2010 would be as bleak as the last three months have been. My direction to them was to budget at level service as funded in the FY08 Spring Town Meeting budget, and once I get a better grasp of what State Aid reductions will be I can make adjustments. Several departments will be receiving special instructions from me on their budgets. I handed out a template personnel sheet that I asked them to use.
2. **Wicker's Inn/Harborwatch Inn.** The Town has provided the Commonwealth of Massachusetts Department of Revenue with the renewal information for this license.
3. **Letter of Gratitude.** The Town received a letter from Chief McDuffy, commending the Chief of Police Tom Joyce, Sgt. Kevin Walsh, Lt. Irving Wallace, and Lt. Arthur Brightman, as well as Mark Gifford of Municipal Maintenance, for their assistance with the incident that occurred October 22, 2008 regarding a tanker truck. These men, as well as all Town staff who assisted in this incident, should be commended for their diligence in preventing what could have been a catastrophic event.
4. **Pit Bull Report:** The Chief of Police has provided a report on all incidents with pit bulls. Please let me know when you would like to discuss this topic with him.
5. **ABCC Decisions:** The Town has received notice that the ABCC has upheld the suspensions for both the Narrows and Charlie's Place. The Board needs to hold a meeting with them to schedule their dates for suspension. Selectmen Potter stated that he does have both establishments coming before the board on December 9, 2008.
6. **AAA Traffic Safety Award:** The Wareham Police Department was awarded a Silver Award for their achievements in Traffic Safety.

7. **Wind Turbine at WPCF:** I met briefly with representatives of Atlantic Design Services to discuss the installation of a wind turbine at the WPCF. They would like to come before the Board to discuss this potential project. I suggest we schedule 45 minutes on the December 16 agenda for their presentation.
8. **Analog to Digital Broadcasting:** The Commonwealth's Department of Telecommunications and Cable has provided a notice that can be distributed relative to digital broadcasting. I will have copies made for distribution at the COA and in Town Hall.
9. **Transportation Enhancement Activities (TEA) Program:** The Town has received notice from SRPEDD regarding Enhancement projects. I will be preparing the pre-application on this for submittal. Any guidance from the Board will be of assistance.
10. **Maple Springs Road.** Included in this report are pictures of Maple Springs Road, which were provided by Brock Tucz, as well as two (2) DVDs showing alleged violations and early truck traffic, which were copied from DVDs provided by Lisa Bindas.

SEWER COMMISSIONERS BUSINESS

Abatement of Sewer Betterment: It has been brought to my attention that there was an error in the count for the Rose Point sewer betterments. The count when originally provided to the Town Administrator and the Assessor was 236 units while the actual number was 235. Attached is background information relative to this situation. I would request the Board take the following action.

Recommended: Motion for the Board to abate the sewer betterment assessed to Map 78-1, Lot 96, 38 Marine Avenue, Wareham, in the amount of \$15,747.68.

MOTION: Selectmen Cronan moved the board to abate the sewer betterment assessed to Map 78-1, Lot 96, 38 Marine Avenue, Wareham, in the amount of \$15,747.68. Selectmen Donahue seconded.

VOTE: 4-0-0

**** Note:** Selectmen Eckstrom was not in the room at the time this vote was taken

9. 9:30 P.M. – LIAISON REPORTS

Selectmen Donahue stated that the proposal Mr. Newman brought up earlier was a good idea. Selectmen Donahue also suggested having someone from the Finance Committee, and possibly someone who works at the Town Hall along with people

SELECTMEN/SEWER COMMISSIONERS MEETING – 12/2/08 (CONT'D)

who have a background in Government. Selectmen Donahue stated that possibly having the Town Administrator on as a Ad Hoc.

Selectmen Potter would like to consider the Town Administrator search after the Holidays. Selectmen Potter said one business in town missed the town deadline in renewing their liquor license and Selectmen Potter stated that he spoke with Town Counsel and they stated that they have until the end of December to renew. Selectmen Potter would also like to have the Save our Library signs removed as they are considered political.

10. ADJOURNMENT

Selectmen Potter moved the board to adjourn the meeting. Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

11. 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: January 6, 2009

Attest: *Bruce D. Sauvageau, clerk*

Date Signed: January 13, 2009

Date sent to the Town Clerk: January 14, 2009