

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: December 16, 2008
Date of Transcription: December 26, 2008
Transcribed by: Janet Wilson

1. CALL TO ORDER BY CHAIRMAN

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

2. ROLL CALL

Selectmen present: James L. Potter, Chairman
Bruce D. Sauvageau, Clerk
Brenda Eckstrom,
John P. Cronan
M. Jane Donahue (arrived at 7:25 p.m.)

Also present: John Sanguinet, Interim Town Administrator

3. CITIZENS PARTICIPATION

Present before the board: Craig Bamberry
Mr. Bamberry is concerned with the streetlights and is also looking to start a disaster team and would like input from the board on what they would be looking for.

Present before the board: William Brophy
Mr. Brophy spoke about the on-going problems with the flooding at the Onset Mobile Home Park.

4. CONSENT AGENDA

Authorization to sign bills and documents, etc.

Appointments to: Conservation Commission & Wareham Housing Authority
Note: Selectmen Donahue arrived at this point.

MOTION: Selectmen Sauvageau moved the board to appoint Donald J. Rogers as a member to the Conservation Commission to a term to expire June 30, 2010. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Present before the board: Sandra Slavin

MOTION: Selectmen Sauvageau moved the board to appoint Sandra Slavin, 36 Oak Street, Wareham, MA as an associate member to the Conservation Commission to a term to expire June 30, 2009. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

The Wareham Housing Authority has found itself with an open seat on the board and under the M.G.L. 121B the Wareham Housing Authority and the Board of Selectmen shall make a dual appointment to fill the seta until the next election.

MOTION: Selectmen Sauvageau moved to appoint Patricia Zimmer, 370 County Road, W. Wareham to the Wareham Housing Authority until the next election. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

5. LICENSES & PERMITS

7:15 p.m. Hearing – On the application of Nancy Nowik Neubert d/b/a Marion Auto Sales, 370 Marion Road, Wareham for a Class II License under provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Nancy Nowik Neubert

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

VOTE: 4-0-0 (Unanimous)

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

VOTE: 4-0-0 (Unanimous)

MOTION: Selectmen Sauvageau moved approval on the application of Nancy Nowik Neubert d/b/a Marion Auto Sales, 370 Marion Road, Wareham for a Class II License under provisions of Chapter 140 of the Massachusetts General Laws. Selectmen Eckstrom seconded.

VOTE: 4-0-0 (Unanimous)

Note: Selectmen Donahue not present for the vote

Renew the license from DOR re: Harborwatch Inn, Ltd., 167 Onset Ave, Onset, MA, Year Round Inn holder All Alcoholic Beverages License for the year 2009, under the provisions of Chapter 138 of the Massachusetts General Laws.

Note: no action was taken due to the licenses being presently revoked and under appeal with the ABCC.

Application for Change of Manager by Pepper Dining., Inc., d/b/a Chili's Bar & Grill, 2885 Cranberry Highway, Wareham from Robert Zahara to Joe Costa, under the provisions of Chapter 138 of the Massachusetts General Laws.

Present before the board: Joe Costa

MOTION: Selectmen Sauvageau moved approval of application for the change of manager by Pepper Dining., Inc., d/b/a Chili's Bar & Grill, 2885 Cranberry Highway, Wareham from Robert Zahara to Joe Costa, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Continuation hearing of application for Change of manager by the Clermont Group d/b/a Webster Hall, 207 Main Street, Wareham from Tony V. Blaize to L. Wayne Seaton, under the provisions of Chapter 138 of M.G.L. c. 138

MOTION: Selectmen Eckstrom moved to reopen the hearing. Selectmen Donahue seconded,

VOTE: 5-0-0 (Unanimous)

Present before the board: L. Wayne Seaton, Mike Kelly from the Clermont Group and Attorney Vicki Mitchell for Clermont Group, Margaret Ishihara Attorney for Tsika, LLC.

Selectmen Cronan asked at last weeks meeting if Mr. Seaton was listed as an original member of the LLC and the information was provided that his name was on the document.

Town Counsel recommended proceeding with the Change of Manager and table the show cause hearing.

MOTION: Selectmen Eckstrom moved to table the show cause hearing. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Selectmen Cronan asked if Mr. Seaton has completed the required tips training in which Mr. Seaton responded that he would be taking the training within the next 30 days. Mr. Seaton expects to be on the premises about 30 hours per week.

Selectmen Eckstrom asked what the hours of operation are. Selectmen Donahue stated that she has driven by the establishment on several occasions and has seen the building in darkness and in the Police Report states bylaw violations by not being open during the hours listed on the license. Discussion ensued

MOTION: Selectmen Sauvageau moved to approve the application for change of manager by the Clermont Group d/b/a Webster Hall, 207 Main Street, Wareham from Tony V. Blaize to L. Wayne Seaton, under the provisions of Chapter 138 of M.G.L. c. 138. Selectmen Eckstrom seconded for discussion and would like to add to the motion that Mr. Seaton will obtain tips training within the first 3 months of being the manager. Selectmen Sauvageau amended the motion.

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

MOTION: Selectmen Eckstrom moved to take off the table the show cause hearing. Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

Selectmen Potter said originally the show cause hearing was called due to lack of manager. Selectmen Potter did ask if any public comment for or against? Mr. Shivers asked if they had an alarm system installed? Mr. Kelly responded they do have an alarm system along with cameras however the wires were cut outside. Attorney Ishihara wasn't sure if this was appropriate to bring up but stated that the Pledge of License application was never completed. Town Counsel stated that this was brought up a few weeks ago with a motion to intervene and motion to transfer and the board didn't act on either request because the pledge of the license was never perfected. The Licensee would have to agree and the Board of Selectmen would have to also then submit it to the ABCC. Town Counsel stated that a letter did go out to Attorney Rafferty stating the application received was not complete therefore it was not acted upon.

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

VOTE: 3-2-0 Selectmen Cronan & Eckstorm opposed

Attorney Ishihara asked if she could submit a written request to be placed on the agenda and she will also copy Attorney Mitchell.

MOTION: Selectmen Cronan moved to delay the renewal of the Liquor License for The Clermont Group, LLC d/b/a Webster Hall, 207 Main Street Wareham. Selectmen Sauvageau seconded for discussion and feels that the board should vote to renew the license and let it be known that the board would not tolerate any further problems. Both Selectmen Cronan & Sauvageau withdrew their motions.

MOTION: Selectmen Eckstrom moved the board to approve the Renewal of the Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2009 for the Clermont Group d/b/a Webster Hall, 207 Main Street, Wareham, under the provisions of Chapter 138 of the Massachusetts General Laws in lieu of

all the taxes and outstanding bills owed to the Town. Selectmen Donahue seconded.

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

6. TOWN BUSINESS

Meet with the Bike Path Committee – Re: SRPEDD

Members before the board seeking approval to submit an application for the Transportation Enhancement Program.

MOTION: Selectmen Sauvageau moved to grant approval to the Bike Path Committee to submit the prescreening application to the Transportation Enhancement program to SPREDD for funding resources. Selectmen Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

Discussion with Plymouth Carver Aquifer Advisory Committee.

Present before the board: Ed Pacewicz & Marjorie Teitelbaum

Mr. Pacewicz said he met with the Plymouth Carver Aquifer Committee on October 9th and there was no quorum but they did have a discussion and he did provide a copy to the committee on the proposed nitrogen bylaw and also discussed the earth removal bylaw. Mr. Pacewicz provided copies of emails from the Plymouth Carver Aquifer Committee Chair Sara Hewins. Mr. Pacewicz stated that he had a consensus at the meeting that the bylaws presented did meet the goals of the PCAAC. Ms. Hewins requested a copy of the Town of Wareham's Earth Removal Bylaw, which Mr. Pacewicz did provide to her. Mr. Pacewicz stated that Ms. Hewins received a letter from Linda Ritner inquiring if the PCAAC was misrepresented at the Wareham Town Meeting on October 28, 2008.

Mr. Pacewicz stated that he would be resigning from the PCAAC. Ms. Teitelbaum stated that she is willing to stay on as a delegate. Mr. Pacewicz would like the board to write a letter to Ms. Hewins, the PCAAC and to the Board of Selectmen in Carver stating their outrage as to the way the delegate was treated. Selectmen Cronan agrees that a letter should be sent. Selectmen Sauvageau also agrees and feels that the town should form it's own committee. Selectmen Potter feels a letter should be sent and see what the response will be.

Selectmen Sauvageau recused himself at this point of the meeting

Ilana Quirk from Town Counsel provided a packet to the board with information on the matter brought before them at the December 2, 2008 meeting where the board voted to change the names of the two streets so that the street starting from the top of Swift's Beach Road and turning left shall be named Oceanside Avenue and that the street starting from the top of that road and turning right shall be

named Wankinquoah Avenue providing further that the number of the houses shall be redone in compliance with 911 requirements.

MOTION: Selectmen Eckstrom moved the board to accept with the script written by Town Counsel. Selectmen Donahue seconded.

VOTE: 4-0-0 (unanimous)

Discussion with Wareham Land Trust Re: Barker Conservation Restriction
Present before the board: Nancy Miller, Chairman of CPC & John Browning
President of Land Trust

Discussion on the Conservation restrictions for the Barker Property.

The Board of Selectmen asked what Conservation Restrictions the Conservation Commission was working on. Ms. Miller stated that the following are in the works and are almost at the final stage, Swifts Beach, Town Hall and Oak Grove School and as far as Minot Forest and the Anderson Tennis Courts go they are going with the Memorandum of Understanding (M.O.U.)

MOTION: Selectmen Donahue moved to approve the Conservation Restriction pending the receipt of the approval letter from Kopelman & Paige. Selectmen Potter seconded. Selectmen Eckstrom would like to have the letter first before voting on the CR. Selectmen Donahue withdrew her motion. Selectmen Potter withdrew his 2nd.

Selectmen Potter stated that as soon as the letter is received from Town Counsel he would schedule a meeting before the end of the year.

Ms. Miller stated that she needed a motion for an approval or disapproval on the CR for the Swifts Beach property.

MOTION: Selectmen Eckstrom moved the Board of Selectmen to have CPC include the two abutting and connecting town owned beach front parcels to the Swifts Beach parcel that was approved in the past subsequent previous town meetings which gives approximate 15 acres of conservation restricted area for the restriction. Selectmen Donahue seconded.

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

MOTION: Selectmen Sauvageau moved to go beyond the hour of 10:00 p.m. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Discussion with Atlantic

Design Engineering re: Wind Turbine at the Water Pollution Control Facility.

Present before the board: David Simmons, WPCF Superintendent, David Brooks, Brittany Thomas & Simon Thomas from Atlantic Design Engineering

Mr. Simmons stated that the electric bill for the WPCF runs about \$500,000 per year. Presentation given by Atlantic Design - Discussion ensued. Mr. Simmons would like to hold a public hearing around the end of March to address any questions prior to Town Meeting.

MOTION: Selectmen Cronan moved to approve the MET Tower thru the permitting process. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Town Administrator's Report

Mr. Sanguinet asked the board to approve the appointment of Dave Pichette as the Town's Representative to the Buzzards Bay Action Committee.

MOTION: Selectmen Eckstrom moved to appoint Dave Pichette as the Town's Representative to the Buzzards Bay Action Committee. Selectmen Cronan seconded.

VOTE: 4-0-0 (Unanimous)

Note: Selectmen Donahue was not present for the vote

Fiscal Year 2010 Budget: I present to the Board the FY2010 Budget. As I state in my message, 2010 is not going to offer many changes in the economy and we may see a continuation of the sluggish economic times. Not knowing what the Governor will be presenting for Local Aid, how our revenues will fare will make finalizing the FY2010 budget that much more difficult. I agree with the recent goals expressed by the Board that building a strong financial model moving forward is vital to the financial rebirth of Wareham. I further believe that sustaining a level of services is equally important. Therefore, in my directive to Department Heads I asked them to prepare and present a Level Service budget for FY2010. At this level with my crude revenue estimates that include a 10% reduction in State Aid (with the exception of Chapter 70) the Town will be facing a budget shortfall of \$1.2 million dollars.

2. **State Aid:** On Monday, December 8, 2008, Speaker of the House Salvatore Damasi announced that communities should be prepared for up to a 10% reduction in State Aid. This was further discussed at the Managers meeting I attended, as in FY2002 a similar prediction of Local Aid cuts was made and

communities saw 4% to 8% in cuts. Much of that was dependent on their level of school spending in relation to the Foundation Aid.

3. **MMA Municipal Relief Package.** The Massachusetts Municipal Association has presented a relief Package to the Legislature, which may offset the reductions communities are seeing across the Commonwealth. This package lays out several priorities:

- a. The first is to improve municipalities' ability to effectively manage our human resources by adding tools that are available to the Commonwealth of Massachusetts, local governments in other States and private sector employers.
- b. The Second is to modernize the purchasing laws.
- c. The third is to increase the flexibility within the municipal side of local government.

I would ask that the Board support, through letters to Senator Pacheco and Representative Gifford, the relief package.

MOTION: Selectmen Sauvageau moved the board's approval of the MMA Municipal Relief Package language described by the Interim Town Administrator. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

4. **Beach Fees:** The Harbormaster is requesting an increase in the Beach Parking fees. These fees have not been increased in ten years and need to be approved for the timely printing of the permits. Discussion ensued about increasing the parking fees along with having residential stickers for resident parking.
5. **Town Counsel:** I had a brief conversation with Jeffery Nutting, Town Administrator in Franklin, regarding his use of in-house Legal Counsel verses hiring out. I have attached a spreadsheet from Mr. Nutting on that community's success.
6. **Sewer Connection.** Attached per the Board's request is a list of those properties whose owners have not yet arranged to hook up to the sewer system upon completion of the recent sewer projects.

Clean Water Committee

MOTION: Selectmen Eckstrom moved the board to establish a Wareham Clean Water Committee who would answer to the Board of Selectmen and look

at specifically articles 15 & 18 of the former town meeting and have it consist of seven (7) members. Selectmen Sauvageau seconded.

VOTE: 5-0-0 (Unanimous)

Energy Review Committee

MOTION: Selectmen Eckstrom moved the board to establish the Energy Review Committee to answer to the Board of Selectmen consisting of five (5) members. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

7. SEWER BUSINESS

(None)

8. LIAISON REPORTS

(None)

9. ADJOURNMENT

Selectmen Sauvageau moved to enter into executive session for the purpose of litigation.

Poll Vote: Selectmen Eckstrom – Yes
 Selectmen Donahue – Yes
 Selectmen Potter – Yes
 Selectmen Sauvageau – Yes
 Selectmen Cronan – Yes

VOTE: 5-0-0 (Unanimous)

10. 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