

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: February 10, 2009

Date of Transcription: February 20, 2009

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
Attorney Bowen, Kopelman & Paige

3. CITIZENS PARTICIPATION

Present before the board: Craig Bamberry
Mr. Bamberry was before the board talking about the cost of street lighting with Republic Electric.

Present before the board: Larry Gaines
Mr. Gaines would like to plea to the citizens of Wareham to purchase food gift cards and drop them off at the COA. The gift cards would be greatly appreciated.

Present before the board: Ed Pacewicz
Mr. Pacewicz suggested to the board that the town give some senior citizens a 30-day grace period to pay the tax bills to avoid penalties due to the fact that they receive their social security checks on different days of the month.

Present before the board: Bonnie Cottuli, Finance Committee Member
Ms. Cottuli says that it sounds like a good idea for seniors but you would set a precedence with other people who may be out of work and unable to pay.

Present before the board: Marica Griswold, COA Director
Ms. Griswold said that 76% of the seniors in our town are at or below the poverty level.

4. **ANNOUNCEMENT**

We will hold a visioning session on Thursday, February 12, 2009 at 6:30 p.m. and the public is welcome to attend.

Mass. Children's relief's Wareham Mardi Gras celebration will be held on Sunday, February 22, 2009 at Decas School from 1:00 P.M.

5. **CONSENT AGENDA**

A Authorization to sign bills and documents, etc.

MOTION: Selectmen Sauvageau moved to approve payment to CDM for Invoice # 80305588/17 Project # 55342 for Professional engineering services for designing sewers in seven remaining priority areas in the Town of Wareham in accordance with our agreement dated August 15, 2006, amendment no. 2 dated November 13, 2007 and amendment no. 3 dated July 15, 2008 in the amount of \$80,316.00. Selectmen Donahue seconded.

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

B Interviews to the Charter Review Committee

Present before the board: Mel Lazarus

Mr. Lazarus feels the citizens should be aware of what the Charter is what it does and how it governs us. Mr. Lazarus is interested in both the town and in the academic charter itself. Mr. Lazarus feels that parts of the charter should be amended but does not feel that the Charter itself is outdated.

C Approval of regular session meeting minutes of January 13, 2009

MOTION: Selectmen Sauvageau moved to approve the meeting minutes of January 13, 2009. Selectmen Donahue seconded. Selectmen Potter would like to amend with the correction of Scribner errors.

VOTE: 5-0-0 (Unanimous)

6. **LICENSES & PERMITS**

- a. Approximately 7:15 p.m. Show Cause Hearing: To determine if a Year Round Common Victualer All Alcoholic Beverages License issued to the Clermont Group, LLC, d/b/a Webster Hall, Wayne Seaton, Manager, 207 Main Street should be modified, suspended, revoked or cancelled, based upon a violation of M.G. L. c, 138, cessation of the licensed business.

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

VOTE: 5-0-0 (Unanimous)

No one was present to represent the Clermont Group and Selectmen Potter stated that a fax was sent to the office stating that they have been advised by their counsel to stay out of Wareham.

Present before the board: Margaret Ishihara, Attorney for Tsintas, LLC
Ms. Ishihara stated that her client has taken possession of the building and provided the board a copy of the notice.

Selectmen Cronan stated that the Clermont has been given every opportunity to succeed and has failed. Selectmen Eckstrom asked Town Counsel if a problem should arise if the board took action to revoke the license. Town Counsel stated that the board would be in their rights.

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

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Cronan moved to revoke the license issued to the Clermont Group. d/b/a Webster Hall Restaurant. Selectmen Sauvageau seconded.

Attorney Bowen explained that once the board revokes the license it would revert back to the Town and not to the previous license holder. Attorney Bowen stated that if the board would vote favorably on the motion on the table it is possible that the ABCC could take the position that the board just reduced the number of licenses available by one (1) and under that circumstance the license would not be available to anyone. Attorney Bowen stated that if they do revoke they license they do stand the chance that this license would be gone.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectmen Cronan moved the license be revoked based on the M.G.L. c. 138, cessation of the licensed business, failure to pick up the license and failure to open as described in the license and failure to pay municipal fees. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

Attorney Margaret Ishihara stated that if the license is available it is the intent for her client to apply for license.

- b. Application for a one-day all alcoholic beverage license permit by Plymouth County Teachers Federal Credit Union, c/o Ann Theberge for an open house on March 12, 2009 from 5:30 p.m. to 7:30 p.m.

Present before the board: Anne Theberge

Ms. Theberge stated they are looking for a beer and wine permit not a one-day all alcoholic beverages license.

MOTION: Selectmen Sauvageau moved to approve a one-day beer and wine malt beverage license permit by Plymouth County Teachers Federal Credit Union, c/o Ann Theberge for an open house on March 12, 2009 from 5:30 p.m. to 7:30 p.m. Selectmen Donahue seconded.

VOTE: 4-0-0 Selectmen Eckstrom not present for vote

7. **TOWN BUSINESS**

- a. Discussion with the Plymouth-Carver Aquifer Advisory Committee

Present before the board: Marjorie Teitelbaum & Ed Pacewicz

Mr. Pacewicz spoke about the regional open space plan which cranberry bogs will be considered as open space under this open space plan. Mr. Pacewicz thinks we should pursue and take a more aggressive approach to pursue bylaws. It should be easier to protect open space and waters now while building is down due to the economy. Some of the bylaws should be set with minimum standards.

MOTION: Selectmen Sauvageau moved to withdraw officially from the Plymouth-Carver Aquifer Advisory Committee as voting members although the board would support a liaison position to have some contact with the organization. Selectmen Eckstrom seconded for discussion. Selectmen Eckstrom would like the Chairman to write a letter regarding the treatment of our delegate. Selectmen Potter would like to stay involved as a voting member.

VOTE: 2-3-0 (Selectmen Donahue, Potter & Cronan opposed)

Motion fails

MOTION: Selectmen Donahue moved to appoint Marjorie Teitelbaum as the delegate to the Plymouth-Carver Aquifer Advisory Committee to a term to expire June 30, 2010. Selectmen Cronan seconded.

VOTE: 3-1-1 (Selectmen Eckstrom opposed & Selectmen Sauvageau abstained)

Present before the board: Frank Kowciz

Mr. Kowciz was interested in serving on the Clean Water Committee and would like to do something to help retain what we have and wants to protect the drinking water.

MOTION: Selectmen Eckstrom moved to stagger the terms for the Clean Water Committee as follows: Two to expire in 2010, two to expire in 2011 and three to expire in 2012 in alphabetical order. Selectmen Donahue seconded. The following

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were appointed to the committee Mark Aiduk, Barry C. Cosgrove, Roseann DeGrenier, Francis Kowzic, Edward Pacewicz, Deborah Jean Rose and Frederick M. Teceno

VOTE: 5-0-0 (Unanimous)

Selectmen Eckstrom would like to be the liaison to the Clean Water Committee.

b. Discussion with the Community Events Committee

Present before the board: Susan Ricci, Christian Fernandes, Bonnie Cotulli
The money the Committee receives come from the hotel motel tax and the parking receipts and it's be used for tourism and for marketing the town. Ms. Ricci stated the meetings they have are well attended by the volunteers in town. Some of the applications they have received for the grant monies are swan festival, fireworks, oba blues festival, cape verdean festival the youth center family fun day as well as the antique show. The Committee is also working on a website.

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

VOTE: 5-0-0 (Unanimous)

c. Town Administrator's Report

SELECTMEN BUSINESS

1. **Seasonal Licenses:** At the Board's meeting of February 5, 2009, Selectman Donahue asked for the number of establishments that have applied for seasonal licenses in 2009 (the board will approve in March). Current holders are:

Ella's Woodburning—Seasonal All Alcoholic
The Pavilion @ Bay Pointe Country Club—Seasonal All Alcoholic
Pointe Independence Yacht Club—Seasonal Club All Alcoholic
China Garden—Seasonal Wines and Malts
The Lobster Pot—Seasonal Wines and Malts
Quintal's Crack O' Dawn—Seasonal Wines and Malts
Merchant's Way on the Bay—Seasonal Wines and Malts

2. **Interim Town Accountant:** I hired FAA Financial Services (proposal enclosed) and am in the process of preparing a contract with them.
3. **IMA Extension:** Enclosed is the Extension to the IMA for your review. I have also included the two pertinent sections of the IMA agreement. Town Counsel has reviewed.

Recommended Action: Motion for the Board to approve the Extension of the Inter-Municipal Agreement with the Town of Bourne for a period of six (6) months.

SELECTMEN/SEWER COMMISSIONERS MEETING – 2/10/09 (CONT'D)

MOTION: Selectmen Eckstrom moved to approve the extension of the Inter-Municipal Agreement with the Town of Bourne for a period of six (6) months. Selectmen Cronan seconded.

VOTE: 5-0-0 (Unanimous)

4. **MMA Board and LGAC meeting:** The MMA Board of Directors and LocalGovernment Advisory committee met this morning. I will give the Board a verbal update at tonight's meeting.

Mr. Sanguinet also recommended to the Board the proposal in the relief package to add additional 1% in the mail tax and the hotel motel tax.

5. **Herring Regulations.** The Board is asked to adopt the enclosed herring regulations. The current Moratorium on Herring is mandated to be continued for an additional three (3) years, which has been approved by the Mass. Marine Fisheries Advisory Commission. Enclosed is a memorandum from Mr. Parola along with a copy of the proposed regulations, which are effective January 2009 through December 2011. A report from Michael Parola is enclosed with more information.

Recommended Action: Motion for the Board to adopt the Herring Regulations effective January 2009 through December 2011, which extends the current Moratorium for an additional three (3) years, per state mandate.

MOTION: Selectmen Cronan moved for the Board to adopt the Herring Regulations effective January 2009 through December 2011, which extends the current Moratorium for an additional three (3) years, per state mandate. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

6. **Smelt Regulations.** The Board is asked to approve the smelt regulations for 2009. Enclosed is a memorandum from Mr. Parola along with a copy of the proposed regulations, which are the same as last year. Smelt season extends from March 1, 2009 to April 1, 2009, and permits will be available at the Harbormaster's office beginning Wednesday, February 18, 2009.

Recommended Action: Motion to approve the Smelt Regulations for 2009, to be effective March 1, 2009 to April 1, 2009, both dates inclusive.

MOTION: Selectmen Cronan moved to approve the Smelt Regulations for 2009, to be effective March 1, 2009 to April 1, 2009, both dates inclusive. Selectmen Donahue seconded.

VOTE: 5-0-0 (Unanimous)

d. Any other town business

Selectmen Donahue stated at one time there was funding earmarked by the state back in 1995 or 1996 to improve the tourist information center on I-95 and would like to have this looked into.

SELECTMEN/SEWER COMMISSIONERS MEETING – 2/10/09 (CONT'D)

Selectmen Cronan talked about the letter received from Habitat of Humanity and thanked Cindy Parola for bringing the four units since it helps towards the number of affordable housing.

Selectmen Donahue thanked Selectmen Potter for serving as Chairman for a year and for serving a three-year term. Selectmen Donahue read the letter in the Wareham Courier and wanted to thank him for the congratulations and credit given to the board for a job well done.

Selectmen Potter announced that he will not be running for Selectmen and wanted to thank the community. Selectmen Potter would like to see someone run who is willing to put the community first and to work well with the board.

Selectmen Potter tried to setup a meeting with the School Committee and have not heard back from anyone.

8. **LIAISON REPORTS**

None

9. **ADJOURNMENT**

MOTION: Selectmen Eckstrom moved to adjourn and enter into executive session for the purpose of litigation. Selectmen Donahue seconded.

Poll vote:	Selectmen Eckstrom	yes
	Selectmen Donahue	yes
	Selectmen Potter	yes
	Selectmen Sauvageau	yes
	Selectmen Cronan	yes

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: 3-10-09

Attest: *Bruce D. Sauvageau, clerk*

Date Signed: 3-17-09

Date sent to the Town Clerk: 3-18-09