

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: March 17, 2009

Date of Transcription: March 23, 2009

Transcribed by: Janet Wilson

1. CALL MEETING 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 Cronan
Jane Donahue

Also Present: John J. Sanguinet, Interim Town Administrator

3. CITIZENS PARTICIPATION

Present before the board: Rick Janey, 19 Crescent Place
Mr. Janey was before the board advising them that he will be taking legal action regarding the property on Crescent Place

4. ANNOUNCEMENT

None

5. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc. (none)
- b. Interview/ Appointment to the Open Space Committee

The board was going to interview Shellye Blake for appointment to the Open Space Committee. Ms. Blake was not present for the interview.

6. TOWN ADMINISTRATOR'S REPORT

Selectmen Business

- 1. **Town Meeting Warrant:** The Warrant closed Friday March 13. A copy will be e-mailed to the board when its' complete. The Board should review the

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articles and determine if the order is okay. As of Thursday, March 12 at 4:30PM, the Town had 43 Articles. This includes six or seven that I know will be submitted.

2. **Census 2010:** Several weeks ago, a representative from the U.S. Census Bureau was here to ask the Town to partner with the Bureau in the 2010 Census. Enclosed is the document the Board needs to review and sign committing the town to assist in various areas. Mr. Sanguinet stated that if the Board wants, he can review and sign on behalf of the town and select those areas that the Town can commit to.

MOTION: Selectman Donahue moved to have Mr. Sanguinet review and sign on the boards' behalf. Selectman Cronan seconded.

VOTE: 5-0-0 (Unanimous)

3. **Legal Expenditures:** There has been a great deal of discussion over the current level of legal expenditures paid to Town Counsel this fiscal year. As of December 31, 2008, the Town has spent \$168,484.54. If we conservatively estimate (on the high side) \$25,000 per month for January to June, the total for FY09 would be \$318,454.54. As stated by the Chairman last week, we are nowhere near \$400,000 and my estimates have us below that figure for the remainder of this year. Further, the \$168,484.54 includes the dollars at the fall town meeting to offset the previous year's bills. The Board will be updated monthly on this to avoid any confusion in the public arena.
4. **Health Inspector Position:** The Board of Health and Mr. Sanguinet interviewed candidates for the Health Inspector position that has been vacant but covered by Glenn Monteiro since July. Mr. Sanguinet would like to appoint Carlston Wood to this position. Mr. Wood is in the process of obtaining his certifications. The Board of Health will be at the meeting Tuesday and Mr. Sanguinet asked the board review his qualifications with them and approves this appointment.

Snow and Ice Report. As of Friday March 13, 2009 the total spent on S & I is \$566,360.01. The current deficit is \$483,360.01.

5. **Safe Boating Course.** Again this year, the Harbormaster's Office will sponsor the Mattapoissett Power Squadron's safe boating course. This is open to boaters of all levels and is an eight-week course, beginning Tuesday, March 24, 2009. Meetings will be held in the Town Hall Cafeteria. Registration is \$60 to cover the text, chart plotter, dividers, CD ROM, a piece of line, and all incurred overhead costs. Registration is 6:00PM-7:00PM on the first date,

with the course actually starting at 7:00PM each week. For more information, please contact Dave True at (508) 763-5241, or check online at www.usps.org/localusps/mattapoisett/.

6. **Boston Post Cane.** Attached is information pertaining to the origin of the Boston Post Cane, a tradition that began in August 1909.
7. **Policy Relative to Fields and Grounds Under the School Department.** At the joint meeting of the Board of Selectman and School Committee held March 12, 2009, information was handed out by Dr. Rabinovitch, Superintendent of Schools. This included a copy of the Warrant Article approved at the April 24, 1995 Town Meeting and the Memorandum of Understanding relative to the fields and grounds from that was signed February 24, 1987 by the committee that existed at that time to deal with maintaining and improving the town's playing fields and grounds. This information is also included with this report for those unable to attend.

Sewer Business

- S1 **Award for Wastewater Contract #1.** Bids were opened February 26, 2009 for the Linwood/Ladd Avenues, Tempest Knob and Parkwood Beach Sewers (Contract No. 1). A total of sixteen (16) bids were received, ranging from a low of \$5,587,196.75 to a high of \$9,715,290.81 (results enclosed). CDM has completed review of the low bidder's Bonding and Banking References, Project References, and bid submittal. All information has been verified and found to be in order and they are recommending that the bid be awarded to the low bidder, P. Gioioso and Sons, Inc., of Hyde Park, Mass. They are ready to begin the project as soon as the bid is awarded and DEP approval is received.

Recommended action. Motion for the Board to award Wastewater Contract #1 for Linwood/Ladd Avenues, Tempest Knob, and Parkwood Beach Sewers to P. Gioioso and Sons, Inc., Hyde Park, Mass., as per their bid amount of \$5,587,196.75.

MOTION: Selectman Cronan moved the board to award Wastewater Contract #1 for Linwood/Ladd Avenues, Tempest Knob, and Parkwood Beach Sewers to P. Gio10so and Sons, Inc., Hyde Park, Mass. As per their bid amount of \$5,587,196.75. Selectman Donahue seconded.

VOTE: 5-0-0 (Unanimous)

7. **LICENSES & PERMITS**

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Renewal of Seasonal Liquor Licenses under the provisions of Chapter 138 of MGL for the year 2009:

MOTION: Selectman Sauvageau moved to approval of the following Renewal of Seasonal Liquor Licenses under the provisions of Chapter 138 of MGL for the year 2009: Selectman Cronan seconded.

VOTE: 5-0-0 (Unanimous)

Common Victualer All Alcoholic Beverages License issued to Bay Point Functions, Inc., d/b/a The Pavilion at Bay Pointe Country Club, Michael Herron, Manager, 10 Bay Pointe Drive, Onset

- a. Common Victualer Wines & Malt Beverages License issued to Mark, Inc. d/b/a China Garden, Ivan Mark, Manager, 265 Marion Road, Wareham
- b. Common Victualer Wines & Malt Beverages License issued to GYJO, Inc. d/b/a The Lobster Pot, Joseph A. Marino, III, Manager, 3155 Cranberry Hwy, E. Wareham
- c. Common Victualer Common Victualer All Alcoholic Beverages License issued to Al & El Corporation d/b/a Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, E. Wareham
- d. Common Victualer Wines & Malt Beverages License issued to Quintal's Crack O' Dawn, Gloria Quintal Manager, 2605 Cranberry Highway, Wareham.
- e. Common Victualer Common Victualer Wines & Malt Beverages License issued to Merchant's Way on the Bay, Inc., Louis Teceno, Manager, 241 Main Street, Wareham
- f. Club All Alcoholic Beverages License issued to Point Independence Yacht Club, Inc. d/b/a Point Independence Yacht Club, Gerald Peters, Manager, 15 Independence Lane, Onset

MOTION: Selectman Sauvageau moved to approval of the following Renewal of Seasonal Liquor Licenses under the provisions of Chapter 138 of MGL for the year 2009: Selectman Cronan seconded.

VOTE: 5-0-0 (Unanimous)

8. **TOWN BUSINESS**

- a. Discussion with the Board of Heal to update the board.³

Present before the board: Deborah Jean Rose & Guy Campinha

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Ms. Rose stated that the Board of Health has had some difficult time having a quorum due to the illness of the Chairman and her medical problems. Ms. Rose would like to increase the number of full members or allow the associate members to vote when needed. Ms. Rose stated that the board is continuing preparation with dispensing sites with training joined with Rochester, Marion and Middleboro for Medical Core Training and Development. They have also worked with Matt Underhill to develop a program with Board of Health inspections to work with other offices. The Board of Health has also increased the fines and fees for tobacco violations and worked with the EDIC to acquire a grant for housing enforcement officer. In 2009 they are working on a plan to increase restaurant inspections and compliance and develop housing and housing rental inspection program, which requires a certificate of fitness for housing before occupancy. Discussion ensued about an issue of not having a quorum

MOTION: Selectman Sauvageau moved the board immediately advertise for positions on the Board of Health to be interviewed and potentially appointed. Selectman Donahue seconded for discussion. Selectman Donahue would respectfully ask for the resignation of the members who are not able to attend. Motion amended.

VOTE: 5-0-0 (Unanimous)

Selectman Potter asked for letter sent to the members who are unable to attend the meetings and ask for them to step down.

Mr. Campinha spoke about the interviews conducted for the Code Enforcement Officer position. Mr. Campinha stated the candidate was chosen for his background in grant programs and would be able to inspect properties in non-threatening way from his experience as a Police Chief and Police Officer. Selectman Sauvageau feels that they can find someone who is more qualified.

Selectman Eckstrom stated that as far as the Food Inspection position is concerned she has heard that he was told that that as soon as the position was vacant he would have the position. Selectman Eckstrom stated that she is hesitant that the person was who was chosen does not have certification however, was the best qualified for the position.

Selectman Eckstrom spoke about the Code Enforcement Officer position and thought that the position required that someone would to in when they had structural inadequacies.

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MOTION: Selectman Eckstrom moved to deny the appointment for the Restaurant Inspector. Selectman Sauvageau seconded.

VOTE: 4-0-1 (Selectman Cronan abstained)

MOTION: Selectman Sauvageau moved to have the Town Administrator re- advertise both positions and to make the refinements to add some clarity to them. Selectman Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

b. Open Space Committee to update the board

Present before the board: Don Hall, Anne Campbell, and Sandy Slavin

Ms. Slavin spoke about what changes are needed for the new open space plan such as environmental inventory and analysis, the landscape character of water resources vegetation and environmental challenges. Also needed is an updated inventory of conservation and recreation interest including private holdings public and non-profit. The following must be revised - community setting such as population characteristics, the community goals - what do we want the statement of open space and recreation goals in the town? The Committee is working on a more substantial survey and would like it on the town website and will be putting out the surveys out at the Library and the Town Hall. Ms. Slavin stated once the draft survey is completed they would bring it before the board.

c. Discussion with the Wareham Historical Commission to update the board

The Historical Commission wasn't available due to some members not available.

d. Discussion with the Clean Water Committee to discuss the mission statement and the process of the clean water committee

Present before the board: Ed Pacewicz, Roseann DeGrenier, Barry Cosgrove, Frank Kowzic,

Mr. Pacewicz stated that some of the members of the committee disagreed with the mission statement that he came up with. Mr. Pacewicz stated that one of the members threw the papers across the table and called it bull. Mr. Pacewicz stated that they also have a problem with some of the audience that attends. Some members thought that they moved too quickly and they have some resistance on the committee. Mr. Pacewicz stated that he had a lot of handouts and stated that some members read the materials and became full participants and others did not read the material and just said no, no, no...

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Selectman Donahue read the mission statement into record. As a committee reporting to the Wareham Board of Selectmen the committee is charged with developing the proposed bylaws for the Board of Selectmen (Selectman Donahue said should be changed to for the Town of Wareham) that improve and protect the water quality of Wareham's drinking, ground water, surface water and salt water. Ms. DeGrenier stated that she did miss the first meeting and when she went to the second meeting they were informed that a decision had to be made in three weeks. Ms. DeGrenier does have opposing opinions on the mission statement. Ms. DeGrenier feels that the committee should have some input regarding the mission statement together as a committee and when she brought this up a meeting Mr. Pacewicz stated that it could not be discussed. Mr. Pacewicz then spoke about nitrogen in lawns and septic systems and also spoke about the rainbow chart. Selectman Potter stated the board didn't form the committee to get on this spring town meeting.

Reaffirmation of Leash Law

MOTION: Selectman Sauvageau moved reaffirmation of the Leash Law. Selectman Donahue seconded.

VOTE: 4-0-1 (Selectman Cronan abstained)

e. Close April 2009 Spring Town Meeting Warrant
Selectman Sauvageau moved to close the April 2009 Spring Town Meeting Warrant. Selectman Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

f. Vote on Election Warrant
Selectman Sauvageau recommended holding off on the vote until they get the votes from the Finance Committee.

g. Any other town business
Selectman Eckstrom would like the owners of 361 Main Street to appear before the board to discuss the project.

Selectman Donahue wanted the public to know the warrants are before the board and will be signed prior to sending out the checks.

Selectman Potter spoke about the Swifts Beach executive meeting minutes. On behalf of the Assistant District Attorney Selectman Potter would like to acknowledge to the public that the prior board as caretakers acknowledge it's failure to properly maintain executive session minutes relating to the real property at Swifts Beach and the litigation surrounding that property and

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they are advised to inform the public that the reconstructed record will be available by March 25, 2009.

Selectman Potter stated they had a joint meeting with the School Committee and made progress, they spoke about issues and communicating with the board and would like to meet with the board at least twice per year.

Selectman Potter stated that the Library in Bourne will recognize Wareham patrons until June 30th and would like to have a letter sent asking if they would consider beyond the June 30th date.

Selectman Donahue stated if anyone is interested in serving as a member at large on the Fields & Grounds committee to please submit an application to the Selectmen's Office.

Selectman Potter stated that the School Department and the Town will split the cost of the RFP to send out regarding School bus transportation.

MOTION: Selectman Donahue moved to go beyond 10:00 p.m. Selectman Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

9. LIAISON REPORTS

(none)

10. ADJOURNMENT

MOTION: Selectman Eckstrom moved to enter into executive session for the purpose of collective bargaining and litigation. Selectman Sauvageau seconded.

Poll vote: Selectman Donahue – yes
 Selectman Eckstrom – yes
 Selectman Sauvageau – yes
 Selectman Cronan – yes
 Selectman Potter – yes

11. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted,

SELECTMEN/SEWER COMMISSIONERS MEETING – 3-17-09 (CONT'D)

Janet Wilson

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on: 3-31-09

Attest: ***Bruce D. Sauvageau, Clerk***

Date Signed: 3-31-09

Date sent to the Town Clerk: 4-1-09