

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: March 31, 2009

Date of Transcription: April 2, 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: Larry Gaines

If anyone needs a ride to town meeting they should call the Town Clerks office at 508-291-3140 or the Council on Aging at 508-291-3100 x 3130

4. ANNOUNCEMENT

Mass highway will begin sweeping

5. CONSENT AGENDA

a. Authorization to sign bills and documents, etc.

MOTION: Selectman Sauvageau moved to approve payment to CDM for Invoice # 80311125/19 project # 55342 in the amount of \$120,058.00 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 Amendment No. 3 dated July 15, 2008 and amendment No. 4 dated January 27, 2009. Selectman Donahue seconded.

VOTE: (5-0-0) Unanimous

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- b. Appointment/Interview to the Recycling Committee and Open Space Committee

Open Space Committee applicant withdrew her application.

Present before the board: Dachele London

MOTION: Selectman Sauvageau moved to appoint Dachele London as a member to the Recycling Committee (High School Rep) to a term to expire June 30, 2011. Selectman Eckstrom seconded.

VOTE: (5-0-0) Unanimous

- c. Approval of regular session meeting minutes: March 17, 2009

Selectman Sauvageau moved to approve the meeting minutes of March 17, 2009. Selectman Donahue seconded.

VOTE: (5-0-0) Unanimous

6. **TOWN ADMINISTRATOR'S REPORT**

Selectmen Business

1. **Onset Beach Mobile Home Park:** The Town's easement, which runs through the park, was scoped Monday, March 30, 2009, by a contractor hired by the park's owner. Municipal Maintenance pumped the pipe as best they could to reduce the murkiness of the pipe. Mr. Sanguinet will be sending Mr. Gifford out with an older camera to scope the rest for any additional blockages. Selectman Cronan stated that he received a call from the park owners asking if he could have the pipes pumped out and cleaned at his own expense. He will be paying for the camera and the pump and he was looking for the consensus of the board to allow the park owner to do the work.
2. **Spring Hazardous Collection Day:** Municipal Maintenance will be having the spring Hazardous Waste Collection as Saturday May 2, 2009 from 9:00AM to 12:00PM. Once the locations are finalized the board will be informed.
3. **Senior Work Off Program:** The Board approved the work-off program last week. Mr. Sanguinet has requested that the Board revisit the program and add #6 under their policies, "6. Current Town of Wareham Employees will not be eligible for this program."
MOTION: Selectman Eckstrom moved approval to add the following wording to the Senior Work-off program application: Current Town of

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Wareham Employees will not be eligible for this program. Selectman Sauvageau seconded.

VOTE: (5-0-0) Unanimous

4. **WPFC Violation:** The WPFC reported that the Biochemical Oxygen Demand exceed the allowable amount on March 18, 2009. This was caused by an excessive methanol dosage. Selectman Sauvageau would like to have Mr. Simmons come in and have a discussion with the board.
5. **2008 I/I Report:** The Town has received the Final 2008 Infiltration/Inflow report from CDM. Mr. Sanguinet will be working with the Staff at WPFC to begin working on this problem.
6. **Library Certification:** The Town has requested an appeal on the action taken by the Board of Library Commissioners. The BLC has indicated that our appeal will be heard on April 9, 2009. Additional information is forthcoming from the BLC.
7. **Tremont Nail Report:** For the Board's information, Menders Torrey & Spencer will present their final report for the Tremont Nail Complex April 6, 2009 at 6:30PM in the Town Hall Cafeteria.
8. **United Water:** United Water in Westwood, Mass. has contacted us about privatizing the Town's water and sewer departments. If the Board wishes, Mr. Sanguinet will contact them and ask them to come in and give a presentation on this relative to operation of the town's treatment plant.

7. **LICENSES & PERMITS**

- a. Application of Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Grill, Manager, 2421 Cranberry Highway, Wareham for Change of Manager from Michael Morrill to David Pincus under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: David Pincus

MOTION: Selectman Sauvageau moved to approve the application for a change of Manager for Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Grill, Manager, 2421 Cranberry Highway, Wareham for Change of Manager from Michael Morrill to David Pincus under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Donahue seconded.

VOTE: (5-0-0) Unanimous

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Note: Selectman Eckstrom questioned the Chapter for change of Manager that it should read Chapter 138.

- b. Application of the Gleason Family YMCA, 33 Charge Pond Road, Wareham for use of Town roads for their 7th Annual 5K Road Race through the village of Onset on Saturday, May 16, 2009 from 8:00 a.m. to 1:00 p.m.

Present before the board: Jo-Ann Watson

MOTION: Selectman Sauvageau moved the approval of the application of the Gleason Family YMCA, 33 Charge Pond Road, Wareham for use of Town roads for their 7th Annual 5K Road Race through the village of Onset on Saturday, May 16, 2009 from 8:00 a.m. to 1:00 p.m. Selectman Donahue seconded.

VOTE: (5-0-0) Unanimous

HEARING Tabled from March 24, 2009 - Show Cause Hearing on the class II license issued to Wareham Foreign Auto Sales, 2234 Cranberry Highway, West Wareham to determine if the license should be modified, suspended, revoked or cancelled under MGL c.140, §58-59.

MOTION: Selectman Sauvageau moved to open the continuation of the hearing. Selectman Eckstrom seconded.

VOTE: (5-0-0) Unanimous

Present before the board: Attorney Jeffrey Ugino, Kopelman & Paige

No one was present to represent Wareham Foreign Auto Sales. Attorney Ugino stated that the board was well within in rights to move forward with the hearing. Attorney Ugino stated that a holder of Class II license shall according to MGL Chapter 140, §59 should have proper person to hold the license specified for which he as applied, and the said business is or will be his principal business, and also have a place of business suitable for the purpose.

MOTION: Selectman Eckstrom motioned to take administrative notice of the contents of the license holders' file. Selectman Cronan seconded.

VOTE: (5-0-0) Unanimous

Mr. Sanguinet did go out and review the site and spent 20 minutes at the location and the all the activity occurred next door at the repair shop. Mr. Sanguinet stated no cars were on the lot and the building was locked up tight. Attorney Ugino stated that the Class II business has to be the principal business of the license holder to sell used cars. If the license holder is subletting to someone else then he is essentially leasing the property. Attorney Ugino stated that there is ample evidence before the board in terms of the non operation of

the holder, no operational phone number, craigslist internet posting to essentially sublease the property, evident of the failure of the tenant principal use of the property.

MOTION: Selectman Sauvageau moved to close the hearing. Selectman Donahue seconded.

VOTE: (5-0-0) Unanimous

MOTION: Selectman Sauvageau moved to revoke the license effective immediately for the evidence that was presented during the hearing no visible operation of the business advertisement on Craigslist to lease the property and a lack of a phone number were the evidence presented to support the revocation of the license. Selectman Cronan seconded.

VOTE: (5-0-0) Unanimous

Selectman Sauvageau asked for Town Counsel to draft the boards' decision and to notify them and to also review the appeal.

8. **TOWN BUSINESS**

a. Discussion with Mass Highway re: sidewalk construction

MOTION: Selectman Donahue moved to sign the sidewalk agreement. Selectman Cronan seconded.

VOTE: (5-0-0) Unanimous

b. Discussion with Richard Heaton re: Westfield Septic

Present before the board: Dick Heaton

Mr. Heaton spoke about US Census statistics on residents needing affordable housing. Mr. Heaton stated the four categories needing affordable housing are: Seniors on fixed income under pressure, residents below the poverty level, single low income parent with children and low income males and females on disability. Discussion on sewer hookup.

c. Discussion with Ryan & Ann Correia re: project at 361 Main Street
Present before the board: Ryan & Ann Correia

Ms. Correia stated that they are now planning on having 6 affordable units to include two (2) units with two (2) bedrooms, two (2) units with one (1) bedroom and two (2) units with three bedrooms. The original plan was to have five (5) affordable units as discussed back in 2007. Selectman Eckstrom asked the price for the affordable units. The one (1) bedroom units are \$853, two (2) bedroom units are \$1004, and the three (3) bedroom units are \$1133. The project is expected to be completed by the end of the

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fall or early winter. Selectman Sauvageau would like to have them back in before the board in June with any updates.

MOTION: Selectman Cronan moved to have the Chairman sign the grant with the changes presented. Selectman Sauvageau seconded.

VOTE: 4-1-0 (Selectman Eckstrom opposed)

d. Discussion of Town Meeting Warrant Articles

The board would like to move discussion of Town Meeting Warrant Articles until next week.

e. Discussion re: Memorial Bench Request

Selectman Potter wanted to make an addendum to the Commemorative Benches policy to include the following line: *To include the ability for the Town to move benches to different locations, if necessary.*

MOTION: Selectman Eckstrom moved to amend Policy #02-9 Commemorative Benches. Selectman Donahue

VOTE: (5-0-0) Unanimous

f. Discussion re: Two agreements by CEDA & Turning Point Day Resource Center and CoWorks Staffing Service

MOTION: Selectman Eckstrom moved approval to have the Chairman sign the two agreements. Selectman Donahue seconded.

VOTE: (5-0-0) Unanimous

g. Any other town business
(none)

9. **LIAISON REPORTS**

Selectman Potter would like to have someone from the board take over the following two liaison roles- Casino Task Force and the IMA Agreement with Bourne.

10. **ADJOURNMENT**

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

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

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Selectman Potter – yes
Selectman Donahue - yes

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:

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

Date Signed: 4-14-09

Date sent to the Town Clerk: 4-21-09