

## MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: August 4, 2009  
Date of Transcription: August 6, 2009  
Transcribed by: Janet Wilson

### **1. CALL MEETING TO ORDER BY CHAIRMAN**

Chairman Cronan called the meeting to order at 7:00 p.m.

**MOTION:** Selectman Eckstrom moved to have Selectman Donahue serve as Clerk for the evening. Selectman Cruz seconded.

### **2. ROLL CALL**

Selectmen Present: Bruce D. Sauvageau, Chairman (absent)  
John P. Cronan, Chairman pro-tem  
Brenda Eckstrom  
M. Jane Donahue, Clerk, pro-tem  
Walter B. Cruz, Sr.

Also Present: John J. Sanguinet, Interim Town Administrator

### **3. CITIZENS PARTICIPATION**

Present before the board: Mr. Robinson, Oakdale Resident  
Mr. Robinson asked if any of the stimulus funds were to going to be used for the Oakdale sewer project. Mr. Robinson attended the informational meeting on July 18<sup>th</sup> and suggested that a meeting be held prior to the start of a project. Mr. Sanguinet stated that he was planning on having a meeting with the residents prior or just after the bids go out to address concerns with the residents in the area.

### **4. MEETING WITH FINANCE COMMITTEE**

Present before the board: Finance Committee members  
Mr. Paulsen gave a press release (attached) to the board outlining a list of priorities the Finance Committee has. The Finance Committee stated that they need to have facts and figures to work with and they are unable to obtain this information.

### **5. CONSENT AGENDA**

a. Authorization to sign bills and documents, etc. (none)

- b. Approval of Executive Session meeting minutes: 5/12/09 (1<sup>st</sup> session); 5/12/09 (2<sup>nd</sup> session), 5/26/09, 6/2/09, 6/9/09, 6/16/09, 6/26/09, 6/30/09 and 7/7/09. Approval of regular session meeting minutes of 7/7/09.

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of May 12, 2009 (1<sup>st</sup> session). Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of May 12, 2009 (2<sup>nd</sup> session). Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of May 26, 2009. Selectman Eckstrom seconded for discussion to amend enter time and left time.

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of June 2, 2009. Selectman Cruz seconded

**VOTE: 3-0-1 (Selectman Eckstrom abstained)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of June 9, 2009. Selectman Eckstrom seconded

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of June 16, 2009. Selectman Eckstrom seconded

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of June 26, 2009. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of June 30, 2009. Selectman Eckstrom seconded.

**VOTE: 3-0-1 (Selectman Donahue abstained)**

**MOTION:** Selectman Donahue moved to approve the Executive Session meeting minutes of July 7, 2009. Selectman Eckstrom seconded

**\*\* Note:** *Selectman Cronan stated that the meeting minutes are to be held because of three pending lawsuits.*

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Donahue moved to approve the regular session meeting minutes of July 7, 2009. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

- c. Interview of applicant to the Recycling Committee

**MOTION:** Selectman Eckstrom moved to appoint Zuly Acevedo as a member to the Recycling Committee to a term to expire no later than June 30, 2012. Selectman Donahue seconded.

**VOTE: 4-0-0 (Unanimous)**

**6. LICENSES & PERMITS**

- a. Application for Transporter Business Permit by All American Quality Transport, Inc., 3 Sagamore Street, Onset under the provisions of Chapter 40, §22 and the Board of Selectmen Policy #88-18

Present before the board: Jeffrey Ohlson & Christopher Elie  
Mr. Ohlson stated that they are a non-medical wheelchair transport business that will be transporting people to and from doctor appointments.

**MOTION:** Selectman Donahue moved to approve the application for a Transporter Business Permit by All American Quality Transport, Inc., 3 Sagamore Street, Onset under the provisions of Chapter 40, §22 and the Board of Selectmen Policy #88-18. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

- b. Application for a one-day all alcoholic beverages license permit by the Williams Gifford Committee/Susan Williams Gifford, 11 Lincoln Highway, Wareham for a Clam Bake to be held at Zecco Marine, 2 Warr Avenue, Wareham, on Thursday, August 20, 2009 from 6:00 p.m. to 10:00 p.m.

Present before the board: Barbara Morse  
Ms. Morse stated that this event has been held for several years.

- c. **MOTION:** Selectman Donahue moved to approve the application for a a one-day all alcoholic beverages license permit by the Williams Gifford Committee/Susan Williams Gifford, 11 Lincoln Highway, Wareham for a Clam Bake to be held at Zecco Marine, 2 Warr Avenue, Wareham, on Thursday, August 20, 2009 from 6:00 p.m. to 10:00 p.m. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**7. TOWN ADMINISTRATOR'S REPORT**

**Provisional Chief Appointment:** Mr. Sanguinet has appointed Chief Richard Stanley as provisional Chief. Lt. Wallace and Mr. Sanguinet met with him yesterday and he took reins officially today. Chief Stanley was recommended by the Chiefs Association, has experience dealing with the issues we have in Wareham, and he was given high accolades by the Town Manager in North Andover. Chief Stanley has been invited to attend your August 18, 2009 meeting.

**Chapter 61A Land:** A.D. Makepeace has requested that the Board and the town consider declining the town right to first refusal on property located at Lou Ave and west of Tihonet Road. The properties will be developed by Makepeace in their Tihonet Technology Park and their Gateway development

Present before the board: Jim Kane & Tom Berkley

Mr. Kane stated that the request before the board is to consider declining the offer to purchase this land for conservation giving that the town has identified this area as a economic development priority.

**Recommendation:** Motion to Decline the Town's Right of First Refusal.

**MOTION:** Selectman Donahue moved the town decline the right of first refusal at property located at Lou Avenue in accordance with the letter received by the board via certified mail on July 13, 2009 shown on plan entitled agricultural land exhibit plan prepared by Allen & Majors Associates, Inc. dated July 7, 2009 exhibit A and being more particularly bounded described in the document entitled legal description 61A agricultural land area exhibit B. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**Agawam Lake Shore Drive:** Town Counsel has indicated that there is a 120-day period after acceptance by Town Meeting to record the roadway. This did not happen, so we need to follow the process. The process starts with the Selectmen and a request for a motion will be forthcoming.

**MOTION:** Selectmen Donahue moved to start to the process. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**Minot Forest Survey:** The Survey of Minot Forest has been completed and Mr. Sanguinet will be working to get that recorded, quickly. The Committee indicated that the Town has several issues with encroachment, which are outlined in the attached memo from the committee. Mr. Sanghinet suggested that the Board bring in this committee and discuss the Survey with them in detail.

**No Parking Signs:** No Parking Signs and poles that were placed on Roby Street were stolen. The police are investigating and new signs will be installed. Mr. Sanguinet has instructed that these poles be made more secure.

**Liquor License:** The Liquor Locker appeal of their suspension is scheduled for Wednesday August 19, in Boston at 1:00PM.

**H1N1 Vaccination Planning Meeting:** On August 5, 2009 The Department of Public Health will be here to discuss the CDC H1N1 vaccination planning and to update the Health office, EMS, and fire districts on the Virus. The meeting is in the Town Hall Cafeteria at 2:00PM.

**Movie Production:** On Friday, July 31, 2009, a meeting in the Town Administrator's office with a representative from Sony Productions and several key department heads as well as Chief McDuffy and Chief Andersen to discuss a shoot for a significant production. The Shoot will take place at Water Wizz, but the production company will occupy the parking lots at Staples (former) and Wal-mart. The gentleman we met with was well versed in the needs communities have re. Permits. I think the two fire districts confused him at first, but at the end of the meeting all questions were answered and the concerns in the room were met. The company will be on sight for the entire week.

**FY10 Budget Shortfalls:** Mr. Sanguinet has reviewed the Town Budget to correct for the shortfall the town is currently dealing with. Mr. Sanguinet has identified places that can be reduced with zero impact on our current level of service. FY08 and FY09 are being cleaned up. Town Accountant Elizabeth Zaleski has indicated that there were many items that had not been completed at the time the previous Town Accountant left; she is making these adjustments and should have most completed by mid September. I will also be scheduling a meeting with our DOR representative and the Director of Accounts to review the current position of Wareham.

**Affordable Housing—Westfield.** Bids were due July 30, 2009 for the Affordable Senior Housing at the Westfield Site. Only one bid was received. A public meeting for the area residents has been scheduled for August 6, 2009 at 6:30PM in the Board's meeting room, and all project abutters have been notified by mail.

**Regionalization Took Kit: Sharing Municipal Services.** A conference is scheduled for September 3, 2009 (registration is \$20 and due by August 17) on sharing services and hiring shared staff. The Board will need to make reservations if interested in attending. It will be held at Holy Cross College in Worcester.

**Municipal Law Seminar.** Municipal Law Seminars are scheduled for September 25, 2009 in Holyoke and October 2, 2009 in Randolph. Registration is \$30 per person.

**Boston Post Cane Presentation.** Selectman Sauvageau and the Town Administrator presented Ida Monteiro with the Boston Post Cane July 22, 2009. Selectman Cruz was also in attendance, as were Senator Pacheco and Representative Williams Gifford. It was Ms. Monteiro's 99<sup>th</sup> birthday and it was a very nice celebration.

**Memorial Bench Requests.** At the Board's last meeting my report included a request to place a memorial bench by the East River boat ramp but this was not discussed. The Board will need to decide whether or not to grant permission to have this bench installed. There is currently no bench in this location. Another request for a bench was received that would replace an existing bench near the restrooms on the hill by the Lillian Gregerman Bandshell. Copies of both requests are included in the report.

**Recommended action.** Motion for the Board to approve the placement of memorial benches at the requested locations in accordance with the Board's policy.

**MOTION:** Selectman Donahue moved to approve the two bench locations as requested by Mr. Sanguinet. Selectman Eckstrom seconded for discussion and motion amended to include approval of the Maintenance Director.

**VOTE: 4-0-0 (Unanimous)**

**Vacation Request:** Mr. Sanguinet requested that the Board approve his vacation for Friday, August 14 to Monday August 24, and Friday, September 4. This will require that he miss the Selectmen's Meeting August 18.

## **SEWER BUSINESS**

**Contract #1:** Many of the streets in Parkwood have been paved (skim coat) curb to curb and many of the issues there will be corrected. The contractor, on his own, found a different location for the dirt piles and he will be moving this set-up to a new location, on Tobey Street.

**Contract #2:** The Town received notification that we will be receiving stimulus money for Contract #2. The amount and how it will be distributed has yet to be determined.

## **8. TOWN BUSINESS**

- a. Discussion with Dick Heaton re: RFP report  
Present before the board: Dick Heaton & Chris Reilly  
Mr. Heaton spoke about the proposal from EA Fish Company and stated that they have 50 years experience designing, financing, building and managing affordable housing projects. Mr. Heaton stated that the board can reject the proposal and re bid the package or they can start discussions with the developer.

SELECTMEN/SEWER COMMISSIONERS MEETING – 8-4-09 (CONT'D)

b. Establish Town Meeting dates.

TUESDAY, August 4, 2009 Board of Selectmen should establish all dates for completion of a Warrant for the Fall Town Meeting.

FRIDAY, September 4, 2009 Last day to post in at least one public place in each precinct, Notice of Intention of Board of Selectmen to call the Fall Town Meeting for October 26, 2009. (By-Law Div. I, Art. I, Sec. 3.) - **10 days notice before Warrant closes.**

FRIDAY, September 11, 2009 Last day to submit petitions (articles) to be inserted in the Warrant. (WHRC Section 2-4 (c) - 45 days before Town Meeting convenes.

TUESDAY, September 15, 2009 Board of Selectmen should officially close the Warrant.

FRIDAY, September 18, 2009 Last day to post in each precinct and deliver a copy of Warrant to the Town Moderator and to the Chairman of each Committee established by Section 2-5 of WHRC. (WHRC Section 2-4 (d) - **Within 3 days of closing of Warrant**

MONDAY, September 21, 2009 Last day to submit to the Finance Committee articles included in Warrant. (By-Law Div. I, Art. I, Sec. 1.) - **No later than 35 days before Town Meeting convenes.**

THURSDAY, October 8, 2009 Last day to publish entire Warrant in a local newspaper. (WHRC Section 2-4 (d) - **14 days before Town Meeting.**

MONDAY, October 26, 2009 Commencement of Annual Town Meeting. (By-Law Div. I., Art. I, Sec. 1.) – Fall Town Meeting shall be held on the fourth Monday of October.

c. Approval of Notice of Intent

**MOTION:** Selectman Donahue moved the following. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

SELECTMEN/SEWER COMMISSIONERS MEETING – 8-4-09 (CONT'D)

Commonwealth of Massachusetts  
Plymouth, s.s.

To either of the Constables of the Town of Wareham

Greetings:

In the name of the Commonwealth of Massachusetts and in accordance with the provisions of Division I, Article I, Section 3, of the By-Laws of the Town of Wareham, amended, you are hereby directed to notify and warn the legal voters of the Town of Wareham that the Fall Town Meeting has been called by the Board of Selectmen to be held at **7:00 P.M. on Monday, October 26, 2009** at which time the business of the Town Meeting shall be transacted. The last day for submission of articles to be inserted in the Warrant is **Friday, September 11, 2009**.

The Warrant for this meeting will close on **Tuesday, September 15, 2009**.

And you are hereby directed to serve this notice by posting attested copies thereof in at least one public place in each precinct within the Town on or before **Friday, September 4, 2009**.

Hereof fail not and make due return of this posting with your doings thereon to the Town Clerk.

Given under our hands at Wareham this 4<sup>th</sup> day of August in the year 2009.

d. Approval of the Mass. Community Development Block Grant Program.

**MOTION:** Selectman Eckstrom moved to have the Chairman sign the close out agreement for the DCHD Block grant for 2006 upon satisfactory explanation from the CEDA Director to the Chairman. Selectman Donahue seconded.

**VOTE: 4-0-0 (Unanimous)**

Any other town business

**9. SEWER BUSINESS**

a. Any sewer business

Mr. Sanguinet stated that under contract #1 dealing with the orders of takings for pump station # 1 Mr. Morse who is a property owner of where the pumping station is going on his property has not signed the release for the pump station therefore the board has to issue an order of taking in which that time Mr. Morse will come in and sign the release or a pro tanto agreement which gives him the right to sue for damages and the amount would be \$5000 if he signs the release he will be accepting payment in full for the damages in full for his property.

**MOTION:** Selectman Donahue moved the board to accept the signing of the taking for the sewer pump station. Selectman Eckstrom seconded.

**VOTE: 4-0-0 (Unanimous)**

**MOTION:** Selectman Eckstrom moved the board to approve the signing of notice of taking. Selectman Donahue seconded.

**VOTE:** 4-0-0 (Unanimous)

**10. LIAISON REPORTS**

Discussion on how to handle mail that comes in from the public to let them know that the board has received.

**11. ADJOURNMENT**

**MOTION:** Selectman Eckstrom moved the board to go into Executive Session for the purpose to discuss strategy with respect litigation and to consider the purchase exchange, taking, lease or value of real property. Selectman Donahue seconded.

**Poll Vote:** Selectman Eckstrom – yes  
Selectman Donahue - yes  
Selectman Cronan – yes  
Selectman Cruz - yes

**12. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

**13. EXECUTIVE SESSION MEETING – POTENTIAL LITIGATION**

Respectfully submitted,  
***Janet Wilson***  
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on

Attest: ***Jane Donahue, Clerk pro tem***

Date Signed: 9-1-09

Date sent to the Town Clerk: 9-2-09