

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: October 5, 2010
Date of Transcription: December 21, 2010
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Selectmen Present: M. Jane Donahue, Chairman
Walter B. Cruz, Sr. Clerk
Brenda Eckstrom
Cara A. Winslow
Stephen M. Holmes

Also present: Mark J. Andrews, Town Administrator

3. ANNOUNCEMENT

The Flu Seasonal/H1N1 flu clinic will be held on October 21st for 50+ residents 10:00 am – 2:00 pm and October 26, 2010 for all ages 10:00 am to 2:00 pm and October 28th for Children 3:00 pm to 6:00 pm

4. CITIZENS PARTICIPATION

(None)

5. CONSENT AGENDA

a. Authorization to sign bills and documents, etc.

P. Gioioso & Sons – Contract No. 1, Linwood/Ladd Avenues, Tempest Knob and Parkwood Beach Sewers.

MOTION: Selectman Cruz moved to pay P. Gioioso & Sons for project # CWSRF-3022 in the amount of \$466,021.51. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

CDM – Contract No. 2, Cromesett Park & Oakdale Sewers

MOTION: Selectman Cruz moved to pay P. Gioioso for Contract # 2 in the amount of \$211,703.53. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

6. LICENSES & PERMITS

a. Application for a one-day all alcoholic beverages license permit by Anthony Jeffrey for an Open House – Old Red Farm Inn Reception on Sunday, October

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

17, 2010 from 4:00 p.m. to 8:00 p.m under the provisions of Chapter 138 of the Massachusetts General Laws.

Present before the board: Anthony Jeffrey
Mr. Jeffrey stated that the Old Red Farm Inn is holding an Open House

MOTION: Selectman Cruz moved to approve the application for a one-day all alcoholic beverages license permit by Anthony Jeffrey for an Open House – Old Red Farm Inn Reception on Sunday, October 17, 2010 from 4:00 p.m. to 8:00 p.m under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Holmes seconded.

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

7. **TOWN ADMINISTRATOR'S REPORT**
LEADERSHIP TEAM UPDATE:

Present before the board: Chief Stanley
Chief Stanley thanked Lt. Wallace for his 35 years of service and wished him well on his retirement. Chief Stanley was grateful for the assistance that he has provided. He was before the board to promote two officers Sergeant. John Walcek to Lieutenant and Officer Peter Flannery to Sergeant. Mary Ann Silva had sworn both in.

John Foster was before the Board to give an update on the Tax Title. Mr. Foster said that currently there are 10 properties scheduled to go into land court and they all have bank assistance and he is hoping to collect those fees from the banks. He said that the next grouping is 49 properties designated for legal action. There are 17 properties that are being held for further research. Mr. Foster went over the land of low value properties and stated they did try in the spring to auction off these properties however they didn't get any bidders.

Mr. Andrews have asked Garry Buckminster, Harbormaster/Shellfish Constable, to come before the Board to discuss the Commercial Oyster, Soft Shell Clam Fisheries, Agawam Beach Shellfish Management Area #1, and Broad Cove and East River Shellfish Management Area #2 as per the attached reports. The Commercial Oyster regulations are in effect December 1, 2010 through March 31, 2011, Soft Shell Clam Regulations November 1, 2010 through April 30, 2011, Agawam Beach Shellfish Management Area #1, and Broad Cove and East River Shellfish Management Area #2 effective November 1, 2010.

Recommended action: Motion for the Board to approve the Commercial Oyster regulations effective December 1, 2010 to March 31, 2011, the Commercial Soft Shell Clam regulations effective November 1, 2010 to April 30, 2011, Agawam Beach Shellfish Management Area #1, and Broad Cove and East River Shellfish Management Area #2 effective November 1, 2010 in accordance with the provisions of MGL Chapter 130, Section 52 and the attached regulations.

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

MOTION: Selectman Eckstrom moved for the Board to approve the Commercial Oyster regulations effective December 1, 2010 to March 31, 2011, the Commercial Soft Shell Clam regulations effective November 1, 2010 to April 30, 2011, Agawam Beach Shellfish Management Area #1, and Broad Cove and East River Shellfish Management Area #2 effective November 1, 2010 in accordance with the provisions of MGL Chapter 130, Section 52 and the attached regulations. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

The "Take Back Drug Day" held Saturday, September 25, 2010, was a success according to Health Agent, Robert Ethier. Two full boxes of prescription drugs were collected by Detectives Courchesne and Jacinto of the Wareham Police Department, a DEA officer, and Mr. Ethier.

MUNICIPAL LAW SEMINAR:

On Friday, October 1, 2010, Mr. Andrews attended the Massachusetts DOR Municipal Law Seminar at Lantana in Randolph, Massachusetts. Barbara Marcosa, Biz Zaleski, Town Accountant, and Judith Lauzon, Assistant Town Accountant, joined me for this important seminar, on new legislation and recent court decisions pertaining to local government.

QUARTER TO DATE EXPENDITURE SUMMARY & REVENUE REPORT

Report is being prepared by Elizabeth Zaleski, Town Accountant, and will be available for the Board's meeting as a handout.

CHAPTER 70 AND NET SCHOOL SPENDING WORKSHOP

On September 21, 2010, Mr. Andrews attended a workshop with Elizabeth Zaleski Town Accountant, on Chapter 70 and Net School Spending on September 21, 2010. It was an informative workshop and we came away with valuable insight concerning school spending issues. Mr. Andrews have attached a report containing information reviewed at that workshop.

8. TOWN BUSINESS

a. Land donation from William Konish
Present before the board: John Charbonneau and Dave Pichette

Mr. Charbonneau said that one of his priorities of the office has been to rectify outstanding performance bond and 53G accounts for subdivision and other major projects.

MOTION: Selectman Eckstom moved to accept the donation of land in accordance with MGL. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

- b. Discussion with proponents of warrant articles: Article #80 – Clean Water Committee, Article 84 – Westfield Study Committee (article not discussed), Article 85- COA Board of Directors, Article 87 – Community Events Committee, Article 90 – (petitioned) Richard Callinan (Rock Marsh) and Article 91 – (petitioned) Lynne Burroughs

Article #80 - Clean Water Committee, Present before the board: Ed Pacewicz & David Begley

Mr. Pacewicz said this article would hold standards with nitrogen net zero with new construction that takes place that's above 3300 gallons or 10 homes would require being net zero. Mr. Pacewicz also spoke about nitrogen.

MOTION: Selectman Holmes moved favorable action on article #80. Selectman Eckstrom seconded.

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

Chairman Donahue stated that the Westfield Study Committee would be before the board at the next meeting.

Article #85 – COA Board of Directors

Present before the board: Rich Boucher and Marcia Griswold

Mr. Boucher was looking to reduce the number of members from 11 to 9 members and to add 2 associate members as recommend by the Massachusetts office of Elder affairs.

MOTION: Selectman Holmes moved favorable action on article # 85. Selectman Eckstrom seconded.

VOTE: 2-3-0 (Selectman Holmes, Cruz & Winslow opposed)

Article #87 - Community Events Committee

Present before the board: Susan Ricci

The board previously voted in favor of this article 5-0-0. Ms. Ricci was before the board giving a report and stated that the CPC will be accepting applications until March 15, 2011.

Article #90 - Accept layout of Rock Marsh Road.

Present before the board: Phil McClintock & Richard Callinan

Mr. McClintock said that the development was completed in 2008. Mr. Callinan said the problem started back in February 2005 when the Planning Board didn't file it's decision with the Town Clerk in time and as a result the application filed suit in Superior Court seeking construction approval. Mr. McClintock spoke about some discrepancies in the Planning Board meeting minutes of January 9, 2006. Mr. Callinan stated that the board would have to hold a public discussion of the laying out of the street as a public way and according to the policy the board would need to vote it's intention to do so and refer the petition to the Planning Board for it's recommendation and the Planning Board has scheduled a discussion of Rock Marsh Road next Monday.

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

MOTION: Selectman Eckstrom moved that the Board forward the intent of the lay out of the road to the Planning Board. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Holmes moved favorable action on article #90. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

Article #91 – Article regarding Wind Turbines

Present before the board: Lynne Burroughs

Ms. Burroughs stated that if eight wind turbines were to be erected in Wareham and very little information is known about environmental and other impacts associated with wind turbines. Ms. Burroughs stated that our current bylaws put little restriction on the turbines. She feels that it's in the town's best interest to review any plans associated with the erection of the wind turbines in the town and they should be afforded the opportunity on whether or not they want them as they will permanently Wareham's beautiful landscape.

MOTION: Selectman Holmes moved favorable action on article #91. Selectman Eckstrom seconded.

VOTE: 3-2-0 (Selectman Winslow & Cruz opposed)

Ms. Silva was before the board to discuss bylaw changes.

Present before the board: Mary Ann Silva

First Article discussed was Relative to Animal Control Article #76. Ms. Silva said the article was about changing or raising the fees. She stated that the kennel fees have not been raised since 2002 and they have risen the licensing of dogs twice. She stated that it's a matter of a \$10 increase. She stated that another increase would be to increase the Business certificate to \$50, which is good for four years. She also stated they have to amend the business certificate which requires to retype and add which takes a few minutes which would be increased to \$10. Ms. Silva would be increasing the charge for replacing dog licenses since they have to make them themselves. They would like to increase the charge to amend a birth certificate from \$25 to \$30 since it involves such work to amend a birth certificate as well as to amend a death or marriage certificate. She said currently the oath of office as commissioners current fee is \$8 and would like to raise it \$10. Also vital records will also be increasing and effective January 1st the Clerk's office will have access to all birth records in Massachusetts and they will be able to print out a birth certificate therefore the charge will increase from \$5 to \$10.

MOTION: Selectman Eckstrom moved favorable action on article #76. Selectman Winslow seconded.

VOTE: 4-0-0 (Selectman Cruz recused himself)

Article #77 – Relative to Animal Control

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

Ms. Silva stated that anyone who has a small kennel or a hobby kennel don't do boarding or grooming of dogs. She stated that they did have an issue where this did happen and she had several people come to her asking if they could make it more restrictive. Ms. Silva stated that she did meet with Attorney Rich Bowen last Friday asking if this was lawful and he stated that she could make it more restrictive but couldn't make it less restrictive. Selectman Winslow stated it was her understanding that when the Director of Inspectional Services investigated that matter he gave written opinion on the hobby kennel licenses on what was allowed and what wasn't allowed and believes that he consulted with Kopelman & Paige at the time. Ms. Silva stated that she wasn't sure and didn't get a copy and she sat with Attorney Bowen and he stated that this was allowed. Chairman Donahue stated that this clarifies the difference between a small kennel, hobby kennel and a commercial kennel.

MOTION: Selectman Winslow moved no action (no 2nd motion failed) Selectman Holmes moved favorable action on article #77. Selectman Eckstrom seconded.

VOTE: 2-1-2 (Selectman Winslow opposed & Selectman Holmes & Cruz abstained)

Article #78 – Animal Control – Kennel Licenses

Changes in paragraph seven to be made that the owner shall pay full price for the new kennel license most recently approved and by adding paragraph eleven: Any and all license holders in the business of selling or boarding dogs for profit, must register with the Town of Wareham by acquiring a Business Certificate from the office of the Town Clerk.

MOTION: Selectman Holmes moved favorable action on article #78. Selectman Eckstrom seconded.

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

Article #79 - Penalties for failure or tardiness to license kennels

Ms. Silva said this encourages them to come in and license their dogs.

MOTION: Selectman Holmes moved favorable action on article #79. Selectman Winslow seconded.

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

The board took a three-minute recess.

Chairman Donahue continued with Charter Changes

Present before the board: Alan Slavin, David Begley & Mary Ann Silva

Article #75 Mr. Slavin said the first change was to the Community Preservation Committee by changing membership from Recreation commission to the Open Space Committee.

MOTION: Selectman Eckstrom moved favorable action on article #75. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

Article #67 – Amend Town Bylaws

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

Mr. Slavin said the change would change the start date to the 1st Tuesday in May and then the 4th Monday of May would be the action Town Meeting.

MOTION: Selectman Eckstrom moved favorable action on article #67.
Selectman Holmes seconded.

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

Article #68 – Amend Town Bylaws, Duty of the Finance Committee
Said recommendations shall note the voting of the Finance Committee, i.e., affirmative and the negative vote with a pro and con opinion provided.

MOTION: Selectman Eckstrom moved favorable action on article #68. Selectman Holmes seconded.

VOTE: 3-2-0 (Selectman Cruz & Winslow opposed)

Article #69 – Amend Town Bylaws – Selectmen as Town Employee
No person elected Selectmen may be an active employee of the Town during his term of office as Selectman. Upon qualification of office, the employee shall take a leave of absence or resign from said position with the Town of Wareham.

MOTION: Selectman Eckstrom moved favorable action on article #69.
Selectman Holmes seconded.

VOTE: 3-2-0 (Selectman Holmes & Winslow opposed)

Article #70 – Amend Town Bylaws – Selectman serving as liaison.
Clarification that members of the Board of Selectmen may act as a Liaison to assigned Boards and Committees as a non-voting member, except by Charter provisions.

MOTION: Selectman Winslow moved favorable action on article #70. Selectman Eckstrom seconded.

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

Article #71 – Amend Town Bylaws – Appointment of Finance Committee
Mr. Slavin stated that if Article 40 passes then this could move forward.

MOTION: Selectman Eckstrom moved favorable action. Selectman Holmes seconded.

VOTE: 1-1-3 (Selectman Cruz opposed, Selectman Winslow, Eckstrom & Donahue abstained)

Article #72 Amend Town Bylaws - To take articles at Town meeting by lottery
This would take the budget articles first then and then in order as drawn by the Town Clerk by lottery.

MOTION: Selectman Holmes moved favorable action on article #72. Selectman Eckstrom seconded.

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

**VOTE: 1-2-2 (Selectman Winslow and Cruz opposed,
Donahue & Eckstrom abstained)**

Article #73 Amend Town Bylaws – The Rules that Govern Town Meeting
This would use on the Robert's Rules of Order during Town Meeting

MOTION: Selectman Holmes moved favorable action on article #73. Selectman Eckstrom seconded.

VOTE: 3-2-0 (Selectman Winslow & Cruz opposed)

Article #74 – Amend Town Bylaws – Setting Rules for petitioned articles
Proponents or sponsors of an article shall be responsible to present the article and motion at town meeting.

MOTION: Selectman Holmes moved favorable action on article #74. Selectman Winslow seconded.

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

Article #51- Charter Change to limit the pay of Town Administrator upon their removal.

This article seeks to limit the compensation of the Town Administrator upon their removal from office.

MOTION: Selectman Winslow moved favorable action on article #51. Selectman Eckstrom seconded.

VOTE: 0-5-0 (unanimous)

Article #52 Charter Change to require board of Selectmen Approval.
He shall fix the compensation of all town officers and employees appointed by the Town Administrator within the limits established by appropriation, the provisions of town by-laws, and subject to the approval of the Board of Selectmen.

MOTION: Selectman Winslow moved favorable action on article #52. Selectman Eckstrom seconded.

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

MOTION: Selectman Winslow moved to adjourn the meeting at 10:00 pm.
Selectman Eckstrom seconded.

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

c. Vote and approve the Wareham Police Department Policies & procedures

Present before the board: Chief Stanley

Chief Stanley said that putting the 46 new policies in place in now places them up for certification. In a couple of weeks there will be a mock assessment of the police

SELECTMEN/SEWER COMMISSIONERS MEETING - 10-5-10 (CONT'D)

department and in November they will access the department and see where they stand and he is confident that they will become one of only 40 Police Department in Massachusetts that are certified. Be given certification in January and accessed in April for accreditation.

MOTION: Selectman Winslow moved to accept the Wareham Police Department Policy 41.2.1 Responding Procedures, Policy Chapter 46 critical incidents, special operations, Policy Chapter 42.2.7 confidential informants, policy accreditation maintenance, policy property and evidence control, policy holding facility, policy inspections inventory audits, policy forcible stopping roadblocks, policy role call firearms inspection, policy central records, policy obey lawful orders chain of command, policy harassment prevention orders, policy restraint chair policy, policy organizational chart, policy uniforms and equipments. Selectman Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

9. SEWER BUSINESS (none)
10. LIAISON REPORTS (none)
11. CHAIRMAN'S REPORT (none)
12. ADJOURNMENT

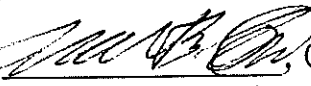
MOTION: Selectman Eckstrom moved to adjourn the meeting. Selectman Winslow seconded.

VOTE: 4-0-0 (Unanimous)

13. 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:
1/25/11

Attest:  Clerk
Walter B. Cruz, Sr.

Date Signed: 1-25-11
Date sent to the Town Clerk: 1-26-11