

## **MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS**

Date of Meeting: January 5, 2010  
Date of Transcription: January 6, 2010  
Transcribed by: Janet Wilson

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

### **2. ROLL CALL**

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

Also present: Mark J. Andrews, Town Administrator

Selectman Cronan stated that the meeting is being televised on Channel 95 for Comcast customers and Channel 29 for Verizon customers.

### **3. CITIZENS PARTICIPATION**

(none)

### **4. CDM – MEETING WITH MICHAEL GUIDICE RE: SEWER UPDATE**

Present before the board: Mike Guidice

Mr. Guidice gave an update on Contract #1 and stated that the entire pipe is in the ground. The schedule is to get the pump stations installed within the next couple of months. Contract #1 is ahead of schedule. Under the SRF process the authority to file needs to be submitted to DEP anytime there is a change in Administration in terms of who will be signing documents on behalf of the town.

Contract #2 – The low bidder was Gioioso and the paperwork has been submitted to DEP. Mr. Guidice spoke about pumping station locations.

### **5. APPROVAL OF AUTHORITY TO FILE**

**MOTION:** Selectman Donahue moved to authorize Mark Andrews, Town Administrator to file on behalf of the town as required. Selectman Cruz seconded.

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

### **6. APPROVAL AGREEMENT W/CAMP, DRESSER & MCKEE, AMENDMENT#7**

**MOTION:** Selectman Eckstrom moved to approve Amendment No. 7, which consists of the surge control system and the Oakdale easement plan in the amount of \$18,000 for contract #2. Selectman Donahue seconded.

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

**7. CONSENT AGENDA**

a. Authorization to sign bills and documents, etc.

**MOTION:** Selectman Donahue moved to pay CDM \$1,193,069.72 for project # CWSRF 3022. Selectman Eckstrom seconded.

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

**MOTION:** Selectman Donahue moved to pay CDM \$230,283.58 for Invoice # 80327330/1. Selectman Eckstrom seconded.

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

b. Appointment to the Open Space Committee and Minot Forest Committee

**MOTION:** Selectman Donahue moved to appoint Gregory F. Donahue as a member to the Open Space Committee to a term to expire no later than June 30, 2012. Selectman Eckstrom seconded.

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

**MOTION:** Selectman Donahue moved to appoint Peter Teitelbaum as a member to the Minot Forest Committee to a term to expire no later than June 30, 2014. Selectman Eckstrom seconded for discussion only and stated that she thought the terms were only for three years not four. **Amended MOTION:** Selectman Donahue moved to appoint Peter Teitelbaum as a member to the Minot Forest Committee to a term to expire no later than June 30, 2012. Selectman Eckstrom seconded.

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

Approval of Executive Session minutes of December 10, 2009, December 15, 2009 and regular session of December 1, 2009

**MOTION:** Selectman Donahue moved to approve the executive session minutes of December 10, 2009. Selectman Eckstrom seconded.

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

**MOTION:** Selectman Donahue moved to approve the executive session minutes of December 15, 2009 to amend for the reason of value of property. Selectman Eckstrom seconded.

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

**MOTION:** Selectman Donahue moved to approve the regular meeting minutes of December 1, 2009. Selectman Eckstrom seconded.

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

**8. LICENSES & PERMITS**

1. Application for Change of Officer/Director by 99 Restaurant, 3013 Cranberry Highway, E. Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws.

**MOTION:** Selectman Donahue moved to approve the application for Change of Officer/Director by 99 Restaurant, 3013 Cranberry Highway, E. Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Eckstrom seconded.

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

## SELECTMEN/SEWER COMMISSIONERS MEETING – 1-5-10 (CONT'D)

2. Application for a Common Victualler's License by GMB Restaurant Group, d/b/a The Breakfast Nook, 3147 Cranberry Highway, Wareham under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: John Bizzozero

**MOTION:** Selectman Donahue moved to approve the application for a Common Victualler's License by GMB Restaurant Group, d/b/a The Breakfast Nook, 3147 Cranberry Highway, Wareham under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Eckstrom seconded.

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

3. Application for a Common Victualler's License by LBK, LLC d/b/a Burger King, 3012A Cranberry Highway, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Rick

**MOTION:** Selectman Donahue moved to approve the application for Common Victualler's License by LBK, LLC d/b/a Burger King, 3012A Cranberry Highway, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Eckstrom seconded.

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

4. Application for a Common Victualler's License by MC Bean, LLC d/b/a Cup 2, 3175 Cranberry Highway, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Clive Olson

**MOTION:** Selectman Donahue moved to approve the application for a Common Victualler's License by MC Bean, LLC d/b/a Cup 2, 3175 Cranberry Highway, Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Eckstrom seconded.

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

5. Application for a Junk Dealer's License by Wareham Precious Metals and Coins, 3147 Cranberry Highway, E. Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Scott & Mark Russo

**MOTION:** Selectman Donahue moved to approve application for a Junk Dealer's License by Wareham Precious Metals and Coins, 3147 Cranberry Highway, E. Wareham, MA under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Eckstrom seconded.

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

## 9. TOWN ADMINISTRATOR'S REPORT

**FY2010 Tax Bills:** Bills were mailed December 31, 2009. The tax rate process was very smooth. We have documented some issues we saw this year to avoid them next year.

**Meeting with Staff:** Mr. Andrews has scheduled weekly meetings with Department Heads to discuss town-wide issues. Attached is the agenda and packet of information from the initial meeting. Mr. Andrews laid out what is expected of them from him, from the Board, and the residents. Additionally, he has scheduled time each week with all of them individually for specific departmental issues. Mr. Andrews had an entire staff meeting where similar discussion ensued.

**Minot Forest Abutter Letters:** Mr. Sanguinet has informed Mr. Andrews that the letters to those residents that have encroached onto the William Minot Forest property have been sent following the advice from Town Counsel. They will need to inspect these properties to see if our requests have been honored. If not, a decision on the next course needs to occur.

**Snowplowing:** Mr. Gifford, staff, and Mr. Sanguinet met with the private contractors to discuss the storm of December 19/20. They were told that, as hired contractors for the Town of Wareham, they need to be in contact with the command center if they have a problem. They expressed issues they faced in battling this storm. They discussed these and the best method to correct them.

As a result of this meeting Mr. Andrews reminded the Selectmen and the residents that Mr. Sanguinet rescinded the 4-inch snow policy on November 10, 2009 and this was not the cause of issues with this storm. Additionally Mr. Andrews would ask the residents to refrain from throwing what the plow pushes into their drives back into the street.

**Onset Mobile Home Park:** The Town is waiting for approval from Mass. Highway to use Chapter 90 Funds for construction cost. The Invitation to Bid is being finalized in preparation of their approval.

**Memorial Bench Request:** Mr. Andrews received a request from Edward L. DeMore to place a Memorial Bench on the pier near the ticket booth. This would be a replacement for an existing bench in accordance with the Board's policy. This would be a suitable location for this bench according to Municipal Maintenance.

**Recommended Action:** Motion for the Board to approve the installation of a memorial bench on the Town Pier to replace an existing bench in accordance with the Board's policy.

**MOTION:** Selectman Donahue moved to approve the installation of a memorial bench on the Town Pier to replace an existing bench in accordance with the Board's policy. Selectman Eckstrom seconded.

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

**Open Department Head Positions:** Applications for the Building Inspector position closed December 31. Currently, 20 resumes have been received. Mr. Andrews will

be reviewing them and setting up interviews for next week. Meanwhile, Jay Collins has been appointed as Interim Director effective January 4, 2010 and temporarily increased his hours to 40/week.

Mr. Andrews will also be reviewing the Town Planner applications and setting up interviews for that position over the same time period. We have re-advertised the Library Director position and should begin interviews in early February.

**H1N1 Clinics:** The Board of Health is holding H1N1 clinics, as vaccine is made available. The latest was today.

**Citizens Police Academy Class:** The Wareham Police Department will be hosting a Citizen's Police Academy Class beginning in February. Interested residents or business owners 18 years of age or over with no felony or misdemeanor convictions within one year of application, and have no pending criminal charges, should contact Sgt. Walcek at (508) 295-1473 Ext. # 417.

**Nights of Hospitality:** The Wareham Clergy Association is sponsoring safe overnight stays in several area churches from December 27, 2009 through March 20, 2010 from 7PM to 7AM. The Clergy will provide bedding, dry socks, and breakfast. Those in need of transportation can show-up at the train depot on Merchant's Way by 6:45PM where police cruisers will transport them to that evening's location and return them to the train station in the morning. If you don't need transportation, call (508) 317-2829 for the night's location. For more information, contact the Council on Aging at (508) 291-3130.

#### **Sewer Business**

**Sewer Abatement Request—Account 792340, 4 Carleton St., Unit 4.** The Board is asked to abate this account the 1<sup>st</sup> half FY2010 omitted Sewer User Fees in the total amount of \$194.64 for 1 EDU. The unit was under construction and plumbing fixtures were not connected.

**Recommended action:** Motion for the Board to abate Account 792340 for 1<sup>st</sup> half FY2010 Sewer User Fees in the total amount of \$194.64.

**MOTION:** Selectman Donahue moved the board to approve abatement of Account 792340 for 1<sup>st</sup> half FY2010 Sewer User Fees in the total amount of \$194.64. Selectman Eckstrom seconded. Selectman Cruz seconded.

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

**MOTION:** Selectman Donahue moved to withdraw her motion made earlier to abate account # 792340. Selectman Eckstrom seconded.

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

**Sewer Abatement Request—Account 792339 3 Carleton St., Unit 3.** The Board is asked to abate this account the 1<sup>st</sup> half FY2010 omitted Sewer User Fees in the total amount of \$194.64 for 1 EDU. The unit was under construction and plumbing fixtures were not connected.

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-5-10 (CONT'D)

**Recommended action:** Motion for the Board to abate Account 702339 for 1<sup>st</sup> half FY2010 Sewer User Fees in the total amount of \$194.64.

**MOTION:** Selectman Donahue moved to abate account 702339 for the 1<sup>st</sup> half FY2010 Sewer User Fees in the amount of \$194.64. Selectman Cruz seconded. Selectman Eckstrom had some questions that need to be answered before she is willing to approve. Selectman Donahue withdrew her motion until answers are received. Selectman Cruz withdrew his second.

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

Mr. Andrews met the Dexter family to give his condolences on behalf of the town.

Mr. Andrews stated that there was a bank robbery on T.D. Banknorth and the person was apprehended.

10. **TOWN BUSINESS**

a. Vote on Town Meeting dates

Selectman Donahue read the 2010 Notice Annual Spring Town Meeting.

**MOTION:** Selectman Donahue moved to approve the Town Meeting dates. Selectman Eckstrom seconded.

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

b. Vote on Notice of Intent to call Town Meeting

Selectman Donahue read the Notice of Intent to call Town Meeting.

**MOTION:** Selectman Eckstrom moved to accept the notice of Intent to call Town Meeting. Selectman Donahue seconded.

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

Vote on Special state election warrant

**MOTION:** Selectman Eckstrom moved to accept the special state election warrant. Selectman Donahue seconded.

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

c. Meeting with BETA Group re: Road Management Plan

Present before the board: Mark Gifford & Tony Garro

Mr. Garro spoke about the Road Management Plan and about the town wide inspection program. The town has 254 centerline miles in the community, which includes accepted and non-accepted roads. The Town has 124 miles of accepted roads which on a scale between 0-100 rate at 82. The cost to the town to repair all roads to 100 would be \$8.4 million dollars. Mr. Garro went of the summary of the proposed plan on a 5-year plan.

d. Meeting with Open Space Committee

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

Mr. Bartsch spoke about the open space survey and they are working on the 4<sup>th</sup> edition of the open space plan. The survey was distributed at Town Meeting, Town Hall, Library and YMCA and was also available on the website. The summary of the results was their highest priority to preserve open space that protects the waterways and to preserve wildlife habitat and also desire persevering wetlands and reduce nitrogen inputs.

Respondents indicated that there was a general satisfaction with recreation facilities for adults however, an overwhelming dissatisfaction for services for teenagers and children.

## SELECTMEN/SEWER COMMISSIONERS MEETING – 1-5-10 (CONT'D)

They also indicated that the most important types of recreation are beaches, walking trails and bike paths. There were also several write-ins for the creation for a dog park. Many respondents stated that there is a lack of parking at most town beaches and there is a need for facilities at the beaches, playgrounds and recreational facilities. The respondents would also like to have more information on the location and availability where the recreational areas are in the town.

e. Any other Town business

Selectman Eckstrom stated that on January 20<sup>th</sup> the Halifax Town Hall will be hosting a State Ethics Workshop.

Selectman Eckstrom also stated that the Library Commissioners sent a letter to the Interim Director requesting some information. She asked for the board's permission to work with Mr. Andrews and Mr. Sanguinet on gathering the numbers and also asked if she could sign as the elected official. Mr. Andrews stated that he did ask for an extension until January 22, 2010.

Selectman Eckstrom would also like to enter into executive session for the purpose of litigation and also investigation.

### **11. LIAISON REPORTS**

Selectman Donahue attended the Finance Committee meeting last week with Mr. Sanguinet and Mr. Andrews and talked about the upcoming financial situation coming up this year.

### **12. ADJOURNMENT**

**MOTION:** Selectman Eckstrom moved to enter into executive session for the purpose # 3 litigation and #6 investigation. Selectman Donahue seconded.

Vote:           Selectman Eckstrom – yes  
                  Selectman Donahue – yes  
                  Selectman Cruz – Yes  
                  Selectman Cronan - yes

### **12. 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: ***M. Jane Donahue***, Clerk, Pro-Tem

Date Signed: 2-2-10

Date sent to the Town Clerk: 2-4-10