

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: January 26, 2010
Date of Transcription: January 27, 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, absent
Walter B. Cruz, Sr., Clerk Pro-Tem

Also present: Mark J. Andrews, Town Administrator

Selectman Eckstrom moved to have Selectman Cruz Clerk for the evening. Selectman Cronan seconded.

3. ANNOUNCEMENT

(none)

4. CITIZENS PARTICIPATION

Present before the board: Don Hall

Mr. Hall was before the board asking when the Town Reports will be in?

5. CONSENT AGENDA

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

b. Approval of the January 5, 2010 meeting minutes.

MOTION: Selectman Eckstrom moved to approve the January 5, 2010 meeting minutes. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

c. Approval of the January 12, 2010 executive session meeting minutes

MOTION: Selectman Eckstrom moved to approve the executive session meeting minutes of January 12, 2010. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

6. LICENSES & PERMITS

a. 7:15 P.M. Hearing – On the application of Marc Whitney, d/b/a Lacasse Service, 109 Onset Avenue, Onset for a Class II License under the provisions of Chapter 140 of the Massachusetts General laws.

Present before the board: Marc Whitney

Mr. Whitney before the board to apply for a Class II License.

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

MOTION: Selectman Eckstrom moved to close the hearing. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

MOTION: Selectman Eckstrom moved to approve the application of Marc Whitney, d/b/a Lacasse Service, 109 Onset Avenue, Onset for a Class II License under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

- b. 7:30 P.M. Hearing – On the application for a new Annual Common Victualer All Alcoholic Beverages License by Wasabi Steakhouse, Inc., d/b/a Zen Palace, Ching Chan, Manager, 2421 Cranberry Highway, Suite 420, Wareham, MA under the provisions of Chapter 138 of the MGL.

MOTION: Selectman Eckstrom moved to open the hearing. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Present before the board: Chris Coleman and Ching Chan
Mr. Coleman stated that they are seeking an Annual Common Victualer All Alcoholic Beverages License to be located at the Wareham Crossing. Ms. Chan has experience as a waitress, bartender, and she is also a part time manager at a restaurant in Maine. The hours of operation for the establishment will be 11:00 a.m. to 1:00 p.m. Monday – Saturday and 12:00 noon to 1:00 a.m. on Sunday. They plan on having a sushi bar along with a lounge bar and outdoor seating in the summer.

MOTION: Selectman Eckstrom moved to close the hearing. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

MOTION: Selectman Eckstrom moved to approve the application for a new Annual Common Victualer All Alcoholic Beverages License by Wasabi Steakhouse, Inc., d/b/a Zen Palace, Ching Chan, Manager, 2421 Cranberry Highway, Suite 420, Wareham, MA under the provisions of Chapter 138 of the MGL. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

- c. Application for a Common Victualler's License by Wasabi Steakhouse, Inc., d/b/a Zen Palace, 2421 Cranberry Highway, Suite 420, Wareham, MA under the provisions of Chapter 140 of the MGL.

MOTION: Selectman Eckstrom moved to approve the application for a Common Victualler's License by Wasabi Steakhouse, Inc., d/b/a Zen Palace, 2421 Cranberry Highway, Suite 420, Wareham, MA under the provisions of Chapter 140 of the MGL. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

- d. Application for the use of town roads by Max Performance, c/o Tim Richmond, 57 Prospect Avenue, Norwood, MA and also to the use of the Bandshell, Town Pier and Onset Beach for the Wicket Onset Triathlon to be held on June 12, 2010 from 9:00 A.M. to 12:00 P.M. with a rain date of June 13, 2010.

Present before the board: Tim Richmond
Mr. Richmond was before the board seeking approval of the Onset Triathlon. Mr. Richmond stated that it's a swim, bike, run triathlon. He would like to change the name from Wicket Onset Triathlon to Escape the Cape. Registration will begin on January 27th and you can register online at www.maxperformanceonline.com.

MOTION: Selectmen Eckstrom moved to approve the application for the use of town roads by Max Performance, c/o Tim Richmond, 57 Prospect Avenue, Norwood, MA and also to the use of the Bandshell, Town Pier and Onset Beach for the Escape the Cape/Wicket Onset Triathlon to be held on June 12, 2010 from 9:00 A.M. to 12:00 P.M. with a rain date of June 13, 2010. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

7. TOWN ADMINISTRATOR'S REPORT
Selectmen's Business

Plymouth County Sheriff's Department "Prisoner Work Program 2010" On 1/15/2010 Mr. Andrews contacted Sheriff Joseph McDonald regarding a new program to provide preparation in the areas of lawn mowing in our cemeteries. He is developing the program with Mr. Jim Muscato, Operations Manager of the Program.

Update on Onset—East Boulevard Drainage: Mr. Andrews has enclosed correspondence received from MassDOT on this project. The use of Chapter 90 funds has been approved so we can use the funds for construction of the new drainage system on the Town's easement. An Invitation for Bids was issued 1/18/2010 and bids are due February 5, 2010. A pre-bid conference was held on-site today at 10:00AM. He will update the Board further at the meeting.

Replacement of Besse Park Seawall: We have received confirmation from Mr. Kevin P. Mooney, Waterways Senior Engineer of the Department of Conservation and Recreation, for a \$575,000 State Grant. Our share is \$143,750 of matching funds at 20% for a total project cost of \$718,750. Further information is enclosed.

Smelt Regulations. The Board is asked to approve the smelt regulations for 2010. Enclosed is a memorandum from Mr. Parola along with a copy of the proposed regulations, which are the same as last year. Smelt season extends from March 1, 2010 to April 1, 2010, and permits will be available at the Harbormaster's office beginning Wednesday, February 17, 2010.

Recommended Action: Motion to approve the Smelt Regulations for 2010, to be effective March 1, 2010 to April 1, 2010, both dates inclusive.

MOTION: Selectman Eckstrom moved to approve the Smelt Regulations for 2010 to be effective March 1, 2010 to April 1, 2010, both dates inclusive. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

Tremont Dam Hydro-Electric Plant: We are working on setting up a meeting with Leo Casey of SatCon Technology Corp., Municipal Maintenance Director Mark Gifford, and Mr. Andrews. SatCon is interested in leasing the Tremont Dam. We will have to have a discussion with regards to proposals as this will have to go out for bid. Mr. Gifford has indicated that an RFP has been prepared and that we work off that RFP and prepare a bid.

Parker Mill Dam: We have requested that PARE Engineering submit quotes for the re-inspection of Parker Mill Dam (located at Tremont Nail). Mark Gifford is suggesting that after receiving the quote that a meeting be held with Municipal Maintenance, the Cranberry Growers Association, AD Makepeace, a member of the Board, and Mr. Andrews to discuss the costs associated with the repairs that will need to be done.

Wind Turbine—Wastewater Treatment Plant: The RFP is being completed to install the Met Tower. Once finalized, the Town will bid the project.

Heating—Multi Service Center and Police Station: Both heating systems are on schedule and should be completed shortly.

Adopt a Haitian Community: Mr. Rudy Santos approached the Town Clerk concerning relief efforts in Haiti. He has requested that the Town of Wareham adopt a community request to provide Wareham residents who would like to assist the relief efforts in Haiti with a mechanism to use. Residents wishing to make a donation would make it to a local bank in care of the City of Port-au-Prince, which is the capitol. Mr. Andrews has reached out to the resident and the bank. When he gets more information I will forward it to the Board.

Intermunicipal Agreement with Bourne: We received the draft from Bourne Monday, January 11, 2010, and a copy has been sent to K&P for review. Rich Bowen indicated that they are looking at it and Mr. Andrews is hoping to have an answer for tonight's meeting.

Mr. Andrews requesting that the board vote to authorize the town to deficit spend on ice and snow removal in accordance with Chapter 44 section 31D of the MGL.

MOTION: Selectman Eckstrom moved to authorize the town to deficit the snow and ice removal for the remainder of FY2010 in accordance with Chapter 44, section 31D of the MGL. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Sewer Business

When Mike Guidice (CDM) was before the Board recently he indicated that he and Attorney Marc Deshaies were finalizing the takings for Contracts 1 and 2 and that they would be ready for the Board to sign shortly. They are finished and coming before this meeting for the Board's approval.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Oakdale Street. There are no

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damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Oakdale Street as per the Attached Exhibit A, containing 29,753 square feet, more or less, involving properties of Lewis, Abram & Gibbons, Erin S.; Connolly, Joseph E. and Virginia T.; Lopes, Anthony D.; Mendes, Christopher M. and Vivian A.; Connolly, Julia M. and Paul; Barrows, Lisa Anne; Goncalves, Henrique & Jeannie Ann; Harris, Emily J.; Francisco, Jose C. and Maria; Andrews, Deborah J.; Silvia, Charles; Barrows, Mary D.; Senna-Clockadile, Brenda; Texiera, Steven J. and Carla G.; Edmunds, Alfred B., Tr. Alfred B. Edmunds Nominee Trust; and Vargas, Pedro J. and Karen J.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Pires Avenue. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Pires Avenue as per the Attached Exhibit A, containing 3,724 square feet, more or less, involving properties of Texeira, Stephen J. and Carla G.; and Munson, James and Andrews, Sandra L.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Pires Avenue. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Pires Avenue as per the Attached Exhibit A, containing 5,262 square feet, more or less, involving properties of Johnson, Gertrude; Ellis, Francis E. Sr. and Beth M.; Ellis, Francis E. Jr. and Peter E.; and Barrows, Frank J. Jr.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Hollow Tree Avenue. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Hollow Tree Avenue as per the Attached Exhibit A, containing 12,600 square feet, more or less, involving properties of Vass, Elaine; Vire, Ida and Frank J. a/k/a/ Viirre, Walter M.; Firmes, Maryann; Rosario, Guadalupe and Veolante; Baptista, Benjamin and Virginia; Beauregard, David and Laura; and Less, Peter.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Mark's Cove Road. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Pires Avenue as per the Attached Exhibit "A"—Schedule of Abutters, Marks Cove Road Taking, containing 43,268 square feet, more or less

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Pires Avenue. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Pires Avenue as per the Attached Exhibit A, containing 7,962 square feet, more or less, involving properties of Tavares, Joseph and Robinson, Cindy; Mendes, Christopher and Vivian; Lopes, Anthony D.; and Holmes, Dale and Danielle.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Apple Street. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Apple Street as per the Attached Exhibit A, containing 20,862 square feet, more or less, and involving properties of Town of Wareham; Sylvia, Vincent and Angelina; Gomes, Manuel; Mendes, Mary C.; Mendes, Sandra M.; Matthews, Rose Marie a/k/a Rosemarie; First Horizon Home Loans and Secretary of Housing

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and Urban Development; Giron, Mario and Kerry; Wright, Lisa; Vaughn, Wayne and Nancy; Graziano, George and Karen; Barnett, Paul Jr. and Eliana; and Filkins, Dennis.

Orders of Taking—No Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking for Avenue A. There are no damages for these properties. All property owners were sent letters, a sufficient number agreed to the sewer being installed, so no damages are necessary.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto within the layout of Avenue A as per the Attached Exhibit A, containing 3,291 square feet, more or less, and involving properties of Vaughn, Wayne C. and Nancy J. and Gross, Elmer; and Mello, Suzanne and Daniel.

MOTION: Selectman Eckstrom moved that the Board, in their capacity as Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provisios of M.G.L. c. 79 a permanent easements as describe the Town Administrators' report for Oakdale Street, Pires Avenue, Hollow Tree Ave, Marks Cove Road, Apple Street and Avenue A. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to James W. Harris, containing 735 square feet, more or less, bounded and described as per the attached Exhibit A, and award damages in the amount of \$900.00.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to James W. Harris, containing 735 square feet, more or less, bounded and described as per the attached Exhibit A, and award damages in the amount of \$900.00. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Julio P. Roderick Jr. and Alice J. Roderick, containing 1,043 square feet, more or less, on Franks Way bounded and described as per the attached Exhibit A, and award damages in the amount of \$1,300.00.

MOTION: Selectman Cruz moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Julio P. Roderick Jr. and Alice J. Roderick, containing 1,043 square feet, more or less, on Franks Way bounded and described as per the attached Exhibit A, and award damages in the amount of \$1,300.00. Selectman Eckstrom seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Michael S. Casey, containing 249 square feet, more or less, bounded and described as per the attached Exhibit A, and award damages in the amount of \$650.00.

MOTION: Selectman Eckstrom that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Michael S. Casey, containing 249 square feet, more or less, on the northerly sideline of Avenue A with the westerly sideline of Franks Way and the bounded and described as per the attached Exhibit A, and award damages in the amount of \$650.00. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to James W. Harris, containing 318 square feet, more or less, bounded and described as per the attached Exhibit A, and award damages in the amount of \$400.00.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to James W. Harris, containing 318 square feet, more or less, on Franks' Way bounded and described as per the attached Exhibit A, and award damages in the amount of \$400.00. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to John Hammond, Trustee Frank's Way Realty Trust, containing 1,606 square feet, more or less, bounded and described as per the attached Exhibit A, and award damages in the amount of \$2,000.00.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to John Hammond, Trustee Frank's Way Realty Trust, containing 1,606 square feet, more or less, on Franks Way bounded and described as per the attached Exhibit A, and award damages in the amount of \$2,000.00. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Stephen J. Teixeira and Carla G. Teixeira, containing 808 square feet, more or less, bounded and described as per the

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attached Exhibit A, and award damages in the amount of \$1,100.00 for the Permanent Easement for the Sewer Main and \$400.00 compensation for hedges.

MOTION: Selectman Cruz moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Stephen J. Teixeira and Carla G. Teixeira, containing 808 square feet, more or less, on Northerly side of Pires Ave and the easterly side of Oakdale Avenue bounded and described as per the attached Exhibit A, and award damages in the amount of \$1,100.00 for the Permanent Easement for the Sewer Main and \$400.00 compensation for hedges. Selectman Eckstrom seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Order of Taking as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to James Munson and Sandra Andrews, containing 175 square feet, more or less, bounded and described as per the attached Exhibit A, and award damages in the amount of \$250.00 for the Permanent Easement for the Sewer Main and \$1,000.00 for loss of use of garage.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to James Munson and Sandra Andrews, containing 175 square feet, more or less, bounded and described as per the attached Exhibit A, on Pires Avenue and award damages in the amount of \$250.00 for the Permanent Easement for the Sewer Main and \$1,000.00 for loss of use of garage. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Pump Station with Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Orders of Taking for the pump station on Avenue A as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Access Partner Development, LLC, bounded and described as per the attached Exhibit A for the Avenue A

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pump station, and award damages in the amount of \$100.00 for the Permanent Easement for the Sewer Pump Station and Temporary Construction Easement.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Access Partner Development, LLC, bounded and described as per the attached Exhibit A for the Avenue A pump station, and award damages in the amount of \$100.00 for the Permanent Easement for the Sewer Pump Station and Temporary Construction Easement. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Orders of Taking—Pump Station with Damages. The Board is asked, in their capacity as the Board of Sewer Commissioners, to approve the Orders of Taking for the pump station on Cromesett Road as per the attached. There are damages and the amount is listed.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Yachatas Realty Corporation a/k/a Yachatas Realty Corp. bounded and described as per the attached Exhibit A for the Cromesett Road pump station, and award damages in the amount of \$6,800.00, being \$5,500.00 for the Permanent Easement for the Sewer Pump Station and \$1,300.00 for the Temporary Construction Easement.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners, vote pursuant to the authority granted in M.G.L. c.83 §1, to take by eminent domain under the provision of M.G.L. c.79 a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a subsurface sewer main and necessary appurtenance thereto in the land in Wareham believed to belong to Yachatas Realty Corporation a/k/a Yachatas Realty Corp. bounded and described as per the attached Exhibit A for the Cromesett Road pump station, and award damages in the amount of \$6,800.00, being \$5,500.00 for the Permanent Easement for the Sewer Pump Station and \$1,300.00 for the Temporary Construction Easement. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham—Contract 1: The Board is asked to approve the laying of sewer lines on the streets and ways as per the attached notice.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners (“Board of Sewer Commissioners”), pursuant to the authority granted by General Laws Chapter 83, Section 27, and all acts in amendment thereof and in addition thereto, of said Board of Sewer Commissioners’ decision to lay sewer lines and necessary appurtenances in certain public and/or private ways in the Town of Wareham, and to assess the cost of such improvement upon the owner(s) of each parcel abutting the ways hereinafter mentioned as per

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

the Attached “Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham” for Contract 1, including: Ash Street, Bayside Avenue, Birch Street, Cape Avenue, Chestnut Street, Crab Cove Terrace, Cypress Street, Datewood Street, Diamond Avenue, Elmwood Street, Fir Street, Gardonia Street, Hazel Street, Hemlock Street, Indian Neck Road, Ivy Street, Juniper Street, Kingwood Street, Ladd Avenue, Larch Street, Linwood Avenue, Minot Avenue, Narrows Road, Oak Hill Road, Oak Street, Oak Terrace, Parkwood Drive, River Terrace, and Teakwood Avenue.

MOTION: Selectman Eckstrom moved that the Board, in their capacity as the Board of Sewer Commissioners (“Board of Sewer Commissioners”), pursuant to the authority granted by General Laws Chapter 83, Section 27, and all acts in amendment thereof and in addition thereto, of said Board of Sewer Commissioners’ decision to lay sewer lines and necessary appurtenances in certain public and/or private ways in the Town of Wareham, and to assess the cost of such improvement upon the owner(s) of each parcel abutting the ways hereinafter mentioned as per the Attached “Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham” for Contract 1. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham—Contract 2: The Board is asked to approve the laying of sewer lines on the streets and ways as per the attached notice.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners (“Board of Sewer Commissioners”), pursuant to the authority granted by General Laws Chapter 83, Section 27, and all acts in amendment thereof and in addition thereto, of said Board of Sewer Commissioners’ decision to lay sewer lines and necessary appurtenances in certain public and/or private ways in the Town of Wareham, and to assess the cost of such improvement upon the owner(s) of each parcel abutting the ways hereinafter mentioned as per the Attached “Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham for Contract 2, including: Apple Street, Avenue A, Cedar Island Road, Cherry Street, Connehassett Road, Cromesett Road, Frank’s Way, Hollow Tree Avenue, Indian Neck Road, Issak Street, Johnson Street, Lazy Harbor Road, Mark’s Cove Road, Mattapoissett Road, Mayflower Avenue, Minot Avenue, Oakdale Heights Lane, Oakdale Street, Pires Street, Preservation Lane, Sandwich Road, Sippican Road, Twins Beach Lane, and Washburn Court.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners (“Board of Sewer Commissioners”), pursuant to the authority granted by General Laws Chapter 83, Section 27, and all acts in amendment thereof and in addition thereto, of said Board of Sewer Commissioners’ decision to lay sewer lines and necessary appurtenances in certain public and/or private ways in the Town of Wareham, and to assess the cost of such improvement upon the owner(s) of each parcel abutting the ways hereinafter mentioned as per the Attached “Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham for Contract 2. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham—Contract 2, Registered Land: The Board is asked to approve the laying of sewer lines on the streets and ways as per the attached notice for Registered Land on Preservation Lane, which is part of Contract 2.

Recommended Action: Motion that the Board, in their capacity as the Board of Sewer Commissioners (“Board of Sewer Commissioners”), pursuant to the authority granted by General Laws Chapter 83, Section 27, and all acts in amendment thereof and in addition thereto, of said Board of Sewer Commissioners’ decision to lay sewer lines and necessary appurtenances in certain public and/or private ways in the Town of Wareham, more specifically those properties on Preservation Lane defined as Map 54, Lot 21, Certificate of Title #109780 believed to belong to Joseph B. Reilly and Diane M. Reilly, and Map 54, Lots 26 & 27, Certificate of Title #112374, believed to belong to Scott M. Blagden and Joseph B. Reilly Trs The Preservation Lane Trust, and to assess the cost of such improvement upon the owner(s) of each parcel abutting the ways hereinafter mentioned as per the Attached “Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer Lines in the Town of Wareham for Preservation Lane, Contract 2.

MOTION: Selectman Eckstrom moved the Board, in their capacity as the Board of Sewer Commissioners (“Board of Sewer Commissioners”), pursuant to the authority granted by General Laws Chapter 83, Section 27, and all acts in amendment thereof and in addition thereto, of said Board of Sewer Commissioners’ decision to lay sewer lines and necessary appurtenances in certain public and/or private ways in the Town of Wareham, and to assess the cost of such improvements upon the owners of each parcel abutting the ways herein after mentioned per the Attached “Notice of Decision and Intention to Make an Assessment for the Cost of Laying Sewer lines in the Town of Wareham for the Preservation lane in Contract 2. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

8. TOWN BUSINESS

Meeting with the Community Events Committee

Selectman Cronan asked if anyone from the Community Events Committee was present. Selectman Cronan stated that he has met with the Town Accountant and found out the balances along with who was to be paid and who was paid.

Update on the Health Care Trust Fund

Mr. Andrews said the town has been working very diligently to get the final report from Powers & Sullivan on the Health Care Trust Fund. Mr. Andrews is confident that the report will be ready on February 23, 2010.

Selectman Eckstrom stated two weeks ago when the Police Chief was before the board he presented the policies and procedures to them. Selectman Eckstrom stated that she has gone over them and if the board would like she is prepared to make the motions.

SELECTMEN/SEWER COMMISSIONERS MEETING – 1-26-10 (CONT'D)

MOTION: Selectman Eckstrom moved the board to accept the policies and procedures per M.G.L.. Chapter 41, Section 97A - Chapter 1 Use of Force, Chapter 1.2 Biased Based Profiling, Chapter 11 Accountability/Staff Meetings, Chapter 11-4, Internet Mail and Internet Regulations, Chapter 12 Written Directive System, Chapter 26 Accountability/Discipline, Chapter 26-A Discriminatory Harassment Policy, Chapter 41 Motor Vehicle Pursuit, Chapter 52 Internal Affairs. Selectman Cruz seconded.

VOTE: 3-0-0 (Unanimous)

Selectman Eckstrom stated that she along with Mr. Andrews and Mr. Sanguinet went to the Massachusetts Municipal Association. Selectman Eckstrom stated that she did attend some interesting seminars.

Selectman Eckstrom had some questions and concerns about the Sail Loft on Main Street. She of her concerns were about the name Piper Beaus' and asked that a letter be sent to the owners to clear up some issues.

Selectman Eckstrom would like to have policies for items such as what is to be placed on advertising on the marquee, website, and a use of town building policy. Also a policy should be in place for non-profit registration.

9. SEWER BUSINESS

- a. Any sewer business

10. LIAISON REPORTS

Selectman Cronan announced that the Recycling Center is open Saturday from 9:00 a.m. to 1:00 p.m. and Wednesday 1:00 p.m. to 3:00 p.m.

11. ADJOURNMENT

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

VOTE: 3-0-0 (Unanimous)

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: **Walter B. Cruz Jr.**, Clerk, Pro-Tem

Date Signed: 2/23/10

Date sent to the Town Clerk: 3/1/10