

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

Date of Meeting: March 30, 2010  
Date of Transcription: April 1, 2010  
Transcribed by: Janet Wilson

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

### **2. ROLL CALL**

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

Also present: Mark J. Andrews, Town Administrator

At the time of roll call Selectman Cronan was absent and Selectman Sauvageau asked for a Clerk pro-tem until the arrival of Selectman Cronan.

**MOTION:** Selectman Eckstrom moved to have Selectman Donahue serve as Clerk Pro-Tem. Selectman Sauvageau seconded.

**VOTE: 3-0-0 (Unanimous)**

### **3. ANNOUNCEMENT**

The Town is still accepting applications for the Senior Work-off program.

The Upper Cape Cod School hearing on the FY11 Budget will be held Thursday, April 1<sup>st</sup> at 6:30 p.m. in the Multi purpose room.

The Mass. Department of Highway will begin its spring state highway sweeping on or about March 29<sup>th</sup>.

The First Annual concert will be held on April 8<sup>th</sup> at 7:30 pm. At the Wareham High School Auditorium and tickets will be \$2.00 at the door.

Congratulations to The Wareham Youth Hockey team for being the Cape Cod Youth Hockey League Champions.

### **4. CITIZENS PARTICIPATION**

Present before the board: Ellen Begley

Ms. Begley was before the board to speak about her request for information made to the School Department. She stated that she did get a response she would be charged \$31.75 per hour and 25c per copy. She stated that she read a report that the school busses were in need of repair and was looking for inspection reports on the buses. The board had a discussion to have the board request the documents on behalf of Ms. Begley.

**MOTION:** Selectman Eckstrom moved to have the Board of Selectmen request all school bus inspection forms issued by the Massachusetts Department of Motor Vehicles School bus safety compliance division for the school year 2008/2009/2010. Also a copy

## SELECTMEN/SEWER COMMISSIONERS MEETING – 3-30-10 (CONT'D)

of every email, letter or note that relates to the inspection of the school buses for school years 2008/2009/2010 which specifically includes any communications that exist between the Director of Transportation and any state, or local agency board committee or committee member. Along with a copy of the invoice for any Massachusetts Motor Vehicle State inspection machines purchased. Also a copy of any violations, citation, or warning issued from any state agency or official in relation to any Massachusetts Motor Vehicle State inspection equipment. Selectman Cronan seconded.

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

Present before the board: Mr. Robery

Mr. Robery stated that he served on the Capital Planning Committee for many years and has also owned several businesses from 1962- 1999. Mr. Robery spoke about buses at that time and the transportation department.

### **5. CONSENT AGENDA**

- a. Authorization to sign bills and documents, etc. (None)
- b. Approval of March 9, 2010 regular session meeting minutes

**MOTION:** Selectman Cronan moved to approve the regular meeting minutes of March 9, 2010. Selectman Eckstrom seconded.

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

### **6. LICENSES & PERMITS**

- a. 7:15 p.m. – Hearing on the application for a new Annual Innholders All Alcoholic Beverages License by L&W Holdings, LLC dba Wicket's Inn & Pub, David Wolfram, Manager, 167-171 Onset Avenue, Onset, under the provisions of Chapter 138 of MGL.

**MOTION:** Selectman Donahue moved to open the hearing. Selectman Eckstrom seconded.

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

Present before the board: David Wolfram

Mr. Wolfram stated last summer the weather wasn't really great which resulted in a lack of business. Mr. Wolfram also stated that he has put a lot of money into the building and hired a business manager and feels that they are now back on track. Discussion ensued on hours of live entertainment and putting restrictions in place.

Before the board: Resident of Ocean Avenue

Resident spoke about the dumpster on the property and the fence. The resident stated that he would like to see conditions in regards to the dumpster. He would like to see the dumpster moved closer to Mr. Wolfram's property since at the present time it's right outside his kitchen window. Also before the board was Sandra Besse who stated that she lives on Ocean Avenue and she was very happy that Mr. Wolfram would be opening again and that he does work very hard at his business.

SELECTMEN/SEWER COMMISSIONERS MEETING – 3-30-10 (CONT'D)

**MOTION:** Selectman Donahue moved to close the hearing. Selectman Eckstrom seconded.

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

**MOTION:** Selectman Cronan moved to approve Annual Innholders All Alcoholic Beverages License by L&W Holdings, LLC dba Wicket's Inn & Pub, David Wolfram, Manager, 167-171 Onset Avenue, Onset, under the provisions of Chapter 138 of MGL. With the hours of operation Monday-Sunday 11:00 a.m. to 1:00 a.m. Serving stops at 12:45 a.m. Glasses off at 1:00 a.m. and everybody out at 1:15.p.m.with the following conditions (as attached) Selectman Eckstrom seconded

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

- b. On the application for a Public Amusement on Weekdays License for Dancing & Live Entertainment by L&W Holdings, LLC dba Wicket's Inn & Pub under the provisions of Chapter 140 of the Massachusetts General Laws.
- c. On the application for a Public Entertainment on Sundays License for Dancing & Live Entertainment by L&W Holdings, LLC dba Wicket's Inn & Pub under the provisions of Chapter 140 of the Massachusetts General Laws.

**MOTION:** Selectman Cronan moved to approve the application for a Public Amusement on Weekdays License for Dancing & Live Entertainment by L&W Holdings, LLC d/b/a Wicket's Inn & Pub under the provisions of Chapter 140 of the Massachusetts General Laws and also the application for a Public Entertainment on Sundays License for Dancing & Live Entertainment by L&W Holdings, LLC d/b/a Wicket's Inn & Pub under the provisions of Chapter 140 of the Massachusetts General Laws and on the application for a Common Victualler's License by L&W Holdings, LLC, d/b/a Wicket's Inn & Pub under the provisions of Chapter 140 of Massachusetts General Laws Selectman Eckstrom seconded for discussion that the licenses have conditions that state liquor and entertainment added on to these licenses. Selectman Cronan amended his motion to include adding the conditions.

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

- d. Application for Change of Officer/Director from Rare Hospitality International, Inc. d/b/a LongHorn Steakhouse, 2421 Cranberry Highway, Suite 480, Wareham under the provisions of Chapter 138 of the Massachusetts General Laws.

Present before the board: Patricia Garcelon

Ms. Garcelon stated that the only thing changes being made were for a Change of Director. Everything else will remain the same at the restaurant.

**MOTION:** Selectman Cronan moved to approve the Application for Change of Officer/Director from Rare Hospitality International, Inc. d/b/a LongHorn Steakhouse, 2421 Cranberry Highway, Suite 480, Wareham under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Donahue seconded.

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

## SELECTMEN/SEWER COMMISSIONERS MEETING – 3-30-10 (CONT'D)

- e. On the application for a Common Victualler's License by Dennis Klimavich d/b/a Melina's in the Village, 1 West Central Avenue, Onset under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Dennis Klimavich

**MOTION:** Selectman Cronan moved to approve the application for a Common Victualler's License by Dennis Klimavich d/b/a Melina's in the Village, 1 West Central Avenue, Onset under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Eckstrom seconded.

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

- f. Request for the use of Town roads by Wareham Little League, Inc., c/o John G. Kelley, President for their annual parade. The parade starts at Elm Street to Route 28 to the Little League field on Charge Pond Road on April 18, 2010 @ 12:00 pm (rain date April 25, 2010).

**MOTION:** Selectman Cronan moved to approve the request for the use of Town roads by Wareham Little League, Inc., c/o John G. Kelley, President for their annual parade. The parade starts at Elm Street to Route 28 to the Little League field on Charge Pond Road on April 18, 2010 @ 12:00 pm (rain date April 25, 2010). Selectman Eckstrom seconded.

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

### 7. **TOWN ADMINISTRATOR'S REPORT**

**UPDATE ON FY2011 BUDGET**—Mr. Andrews went over the FY2011 Budget. The first discussion was FY2011 Budget Challenges such as Potential 4% reduction in local aid, local receipts are 29% below FY09 budgeted amounts, spiraling costs in healthcare coverage, rising pension costs, increased cost of utilities and fuel, outstanding Collective Bargaining Agreement FY2007-2010, increased deferred maintenance and capital needs. Some of the Budget highlights are reorganized departments to bring higher level of efficiencies, restored lifeguard program for main beaches across town, Powers & Sullivan dispels misuse in the Health Trust Fund reaffirming healthy balance. Initiated Electronic Funds transfer program, implementation of new document management system, new student internship program produces dividends, upgraded financial management information system, Commitment to increase financial reserves. The town has a positive balance of free cash. Some of the Capital Improvements FY2011 – Investing in Wareham's Future – The town has to go after grants aggressively/ Some of the equipment upgrades to the Police Department was to get the 8 new cruisers. Also, a Neighborhood Sewer program expansion, along with installing an Energy Efficient heating system in the Multi Service Center and the Police Station. Also the Besse Park Bulkhead will be replaced. Some of the Legislative achievements were as follows: Senate Bill 2163, Chapter 39 of Acts of 2010, An Act providing Certification for the Wareham Public Library, Senate Bill 2133 – Pending for 8 additional Liquor Licenses, House Bill 2509 – Pending for Municipal Relief program. Mr. Andrews went over the FY10-11 Fiscal Framework such as Policy Planning, Resource allocation, Management Control along with Fiscal Control. The Estimated Revenue is made up from the following 26% State aid, 51% tax levy, 10% enterprise, 8% local receipts, 3% other financing source, 1% federal dollars. The Estimated Expenditures are as follows: 8% for public safety, 45%

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education, 10% running enterprise fund, 11% employee benefits, 3% municipal maintenance, 4% General government, 4% pensions, 2% debt services, 2% Council on Aging, 1% liability insurance.

**POLICE DEPARTMENT UPDATE**—Mr. Andrews will be providing the board with an update on the Police Department in cooperation with Chief Rick Stanley.

Mr. Andrews stated that Chief Stanley rises to the top and it's been an honor and privilege to work with the Chief and stated that it would be his pleasure to work with the Chief going forward. Mr. Andrews stated that there are certain forms that need to be complied with relative to the state as well as the Town of Andover.

Present before the board: Chief Stanley

Chief Stanley thanked the board for the opportunity for the potential to move the department forward. Chief Stanley stated that this is a preliminary point and there are negotiations that need to take place and he needs get a civil service transfer from both the North Andover Board of Selectmen as well as the Wareham Board of Selectmen.

**SENATE BILL 2133 UPDATE—8 LIQUOR LICENSES:** On Monday, March 22, 2010, Mr. Andrews met with Representative Theodore Speliotis, Chairman of the Joint Legislative Committee on Consumer Affairs and licensing, here in Wareham. Also in attendance were Senator Marc Pacheco, Representative Susan Williams Gifford, and Chris Reilly representing the Town. Bree Swierkowski from Ella's, Justin Hadley from Stonebridge Bistro and Denise Teceno from Merchants Way on the Bay were also in attendance.

The meeting went very well and Chairman Speliotis offered positive discussion with the restaurateurs regarding the licenses. We also toured the town with Chairman Speliotis so he could see the additional locations. One final point that was made was that when the committee holds their hearing on the Bill, Chairman Speliotis would like as many of the managers/owners as possible to come before the committee and offer testimony. Overall the meeting was very positive.

Additionally, Mr. Andrews has submitted the standard form to Mr. Chris Torri, staff researcher, on Friday, March 26, 2010. It is my hope that this information is the final legislation requirement and that S.2133 be expected out with a favorable report as soon as possible.

### **8. TOWN BUSINESS**

Selectman Sauvageau stated that at a prior meeting he announced that the town had the computer disks back in regards to the audit. Selectman Sauvageau stated that the town actually didn't have the disks in their possession until Friday. Selectman Sauvageau stated that the board was to have Special Counsel at the meeting this evening to address two issues that were reported in the press. Selectman Sauvageau read a letter from Attorney Torres into record (as attached)

a. Reaffirmation of Leash Law

SELECTMEN/SEWER COMMISSIONERS MEETING – 3-30-10 (CONT'D)

Selectman Cronan read the following notice. All Dogs must be restrained from running loose. The undersigned, as Selectmen of the Town of Wareham, in accordance with the provisions of General Laws, Chapter 140, Section 167 and 168, hereby order that all dogs be restrained from running at large, unless said dogs are leashed and accompanied by the owners of keepers, or a person authorized by them. This order was effective beginning March 18, 1971 and shall continue in effect until further notice. Signed the 30<sup>th</sup> day of March 2010. Selectman Eckstrom seconded.

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

b. Any town business

**9. SEWER BUSINESS**

a. Any sewer business (none)

**10. LIAISON REPORTS  
(None)**

**11. ADJOURNMENT**

**MOTION:** Selectman Eckstrom moved to enter into executive to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiation with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. Selectmen Donahue seconded.

Poll vote:

Selectman Donahue - yes  
Selectman Eckstrom – yes  
Selectman Cronan – yes  
Selectman Sauvageau – 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: *John P. Cronan*, Clerk *Walter B. Cruz, Sr.*

Date Signed: 5-18-10  
Date sent to the Town Clerk: 7-8-10