

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: June 8, 2010
Date of Transcription: August 24, 2020
Transcribed by: Janet Wilson

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

Chairman Donahue called the meeting to order.

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 along with Attorney Rich Bowen

3. **ANNOUNCEMENT**

NSTAR Electric & Gas – The summer foliage treatment is anticipated to take place between June 7th and October 15th, 2010 and, as necessary, cut surface and basal treatments may take place at the same time. Fall CST or basal treatments may be necessary and are scheduled between October 4th and December 23rd. The exact time is dependent upon weather conditions and field crew progress, however, no herbicide applications occurred before the conclusion of the 45 day YOP review period, the 21 day treatment notice and the 48 hour newspaper notice. At the end of these review periods – which ran concurrently – no application shall commence more than 10 days before nor conclude more than 10 days after the treatment periods listed above.

There will be a fundraiser at the Knights of Columbus located in Mattapoisett for Princess Gabrielle Sophia whose life was cut short due to a tragic drowning accident. The fundraiser will take place on June 9, 2010 and the cost of the tickets is \$15.00 each and you can contact Shannon Antonio at 508-292-4961.

All you can eat pasta dinner to benefit the Wareham Community Pathway will be held on Friday, June 11, 2010 from 5p.m. to 7:30 pm at 339 Onset Avenue - \$10 per person and children 10 and under \$5. To order tickets ahead of time you can email warehamcommunitypathway.com.

The Wareham Historic District Commission will hold a public hearing on June 17th at 6pm at the Wareham Town Hall Cafeteria for the demolition delay requirement request.

4. **CITIZENS PARTICIPATION**

Present before the board: Joseph Oliveiri

Mr. Oliveiri was before the board to speak about National Nights Out and invite the board to attend the event on August 3rd at Lopes Field in Onset. They would like the board to be part of the vehicle parade. Some of the things planned are the first responder parade, K-9 demos; they will have food and also music provided by Sound Tower. They will have several Fire trucks; EMS and are also planning an interactive firehouse. The event is sponsored by Target.

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Present before the board: Marion Rose

Ms. Rose stated that she was a volunteer for the Wareham Police Department Community Police Partnership Program. Ms. Rose supplied the board with a copy of a petition signed by 578 Wareham residents asking that Richard Stanley be appointed as the permanent Chief of Police for the Town of Wareham.

Present before the board: Jim Newman

Mr. Newman was before the board thanking them for marching in the parade on Memorial Day and also thanked the Color Guard.

Present before the board: Mike Schneider

Mr. Schneider stated that someone has informed him that the current meeting was not being televised and wanted to know if it's accurate. Selectman Donahue stated that the cameras were live and recording and wasn't aware of any technical difficulty.

5. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc. (none)
- b. Approval of the board's regular meeting minutes of April 13, 2010, April 20, 2010 and May 13, 2010 (approval for minutes postponed until next meeting)
- c. Approval of the board's executive session minutes of March 30, 2010, April 13, 2010, April 27, 2010 and May 10, 2010 (approval for minutes postponed until next meeting)

6. LICENSES & PERMITS

- a. **Hearing – approximately 7:15 p.m. – Application for Transfer of an Existing Year Round Retail Package Goods store all Alcoholic Beverages License and a change of location** from Winston Enterprises, Inc., d/b/a Hilltop Package Store, Harry Winston, Manager, 45 Sandwich Road, Wareham, MA to Narnarayan Liquors, Inc. d/b/a Wareham Liquors, Dimpleben N. Patel, Manager, 419 Main Street, Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws for the year 2010.

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

VOTE: 5-0-0 (Unanimous)

Present before the board: Attorney Arthur Pearlman and Harry Winston

Attorney Pearlman stated Mr. Winston was looking to sell the Liquor Store and the new owners are looking to relocate to 419 Main Street.

When asked if anyone else would like to speak before the board Jean Akins appeared before the board who resides at 425B Main Street asking if the Patels owned another package store. Ms. Akins would like to know what their track records were with the other business in town. Selectman Donahue stated she does not remember any problems at the other locations. Ms. Akins asked how many employees would be working there and what kind of training they would have. Attorney Pearlman stated that Dimpleben

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Patel is tips trained and the employees will also be trained. Also before the board was Marion Murphy who resides at 425D Main Street and was concerned about the trash in that area. Also before the board was Virginia Camacho 425H Main Street also had a concern with trash and the activity behind the building and was afraid that a package store would bring in more trouble. Also before the board was Wilma Engerman asking if the Town owned the Liquor License and questioned the selling of the license. Selectman Donahue stated that he was selling the business not just the liquor license. Also present before the board Mary Nyman said her only concern is that she feels we have enough liquor stores in the area and was not in favor of it.

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

VOTE: 5-0-0 (Unanimous)

MOTION: Selectman Cruz moved to approve the Transfer of an Existing Year Round Retail Package Goods store all Alcoholic Beverages License and a change of location from Winston Enterprises, Inc., d/b/a Hilltop Package Store, Harry Winston, Manager, 45 Sandwich Road, Wareham, MA to Narnarayan Liquors, Inc. d/b/a Wareham Liquors, Dimpleben N. Patel, Manager, 419 Main Street, Wareham, MA under the provisions of Chapter 138 of the Massachusetts General Laws for the year 2010. Selectman Holmes seconded.

VOTE: 5-0-0 (Unanimous)

- b. Application of Friendly Ice Cream, 2421 Cranberry Highway, Suite 426, Wareham, MA for a new Common Victualler's License under the provisions of Chapter 140 of the Massachusetts General Laws

Present before the board: Paul Tobin

Selectman Winslow asked if they were still planning on having the other location open. Mr. Tobin stated that they are still planning on keeping the other location, which will be an express restaurant. He stated with the express store you order your food at the counter and then sit and have your food delivered within 5-8 minutes. They are going to be located next to the Bath and Body Works in the Wareham Crossings.

MOTION: Selectman Cruz moved to approve the application of Friendly Ice Cream, 2421 Cranberry Highway, Suite 426, Wareham, MA for a new Common Victualler's License under the provisions of Chapter 140 of the Massachusetts General Laws. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

- c. Application of ZRC Operations Company d/b/a Qdoba Mexican Grill, 2421 Cranberry Highway, Suite 304, Wareham, MA for change of ownership of an existing Common Victualler's License under the provisions of Chapter 140 of the Massachusetts General Laws.

Present before the board: Terry Frias

Ms. Frias stated that corporate is buying the franchise in 17 locations.

MOTION: Selectman Cruz moved to approve the change of ownership of an existing Common Victualler's License under the provisions of Chapter 140 of the Massachusetts General Laws for ZRC Operations Company d/b/a Qdoba Mexican

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Grill, 2421 Cranberry Highway, Suite 304, Wareham, MA. Selectman Eckstrom seconded.

VOTE: 5-0-0 (Unanimous)

- d. Application from Wareham Village Association, c/o Jackie Lindsey, 208 Rear Main Street, Wareham, MA for the use of Merchant's Way for the 14th Annual Swan Festival on Saturday, July 10, 2010 from 10:00 a.m. to 3:00 p.m. with a rain date of July 11, 2010.

Present before the board: Jackie Lindsey

Ms. Lindsey was before the board seeking approval of the application for the Swan Festival.

MOTION: Selectman Eckstrom approved the application Wareham Village Association, c/o Jackie Lindsey, 208 Rear Main Street, Wareham, MA for the use of Merchant's Way for the 14th Annual Swan Festival on Saturday, July 10, 2010 from 10:00 a.m. to 3:00 p.m. with a rain date of July 11, 2010. Selectman Cruz seconded.

VOTE: 5-0-0 (Unanimous)

- e. Application for the use of Town property from the Wareham Fireworks Committee to hold the fireworks on July 3, 2010 (rain date of July 4, 2010) at Shell Point Beach.

Present before the board: Mary Lou Payton & Jackie Lindsey

Ms. Payton stated that they are currently raising money for the fireworks and are about \$3,000 short but was hopeful that people will donate. They are selling t-shirts to help raise money.

7. TOWN ADMINISTRATOR'S REPORT

REPORT FROM TOWN COUNSEL: Mr. Andrews has asked Town Counsel, Rich Bowen, to update the Board on his investigation of the racial complaint made against Police Chief Richard Stanley.

Present before the board: Attorney Rich Bowen

Attorney Bowen spoke about the complaint against Chief Stanley regarding racial allegations. Attorney Bowen read the investigative report (as attached) and recommended that the Board of Selectmen adopt the conclusions and exonerates Chief Stanley.

MOTION: Selectman Eckstrom moved to adopt the conclusions and exonerate Chief Stanley of the allegations. Selectman Holmes seconded.

VOTE: 5-0-0 (Unanimous)

SAFE SUMMER 2010: Presentations will be made by all Committee members: Chief Stanley, David Evans, Marcia Griswold, Michael Parola, Myles Burke, and Robert Ethier.

Mr. Andrews brought before the board the Safe Summer 2010 task force. Mr. Burke spoke about the lifeguard program and stated they have trained new lifeguards and

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thanked the YMCA for the use of the pool to certify them. Mr. Burke stated that they would have lifeguards in Onset, Little Harbor and Swifts Beach along with Swifts Neck. Chief Stanley spoke about patrols in Onset and along Merchant's Way and thanked the residents for their support. Chief Stanley stated that Sgt. Walsh and Sgt. Waleck have taken this program to heart and they have been working really hard and wanted to thank them for their work. Officer Brian Whalen was before the board giving a presentation on bike patrol. Officer Smith stated that they were able to obtain 10 new bikes and explained the bikes. Ms. Lindsey said she has been working with the businesses and working on a brochure that they are planning on passing out at the beaches. Ms. Griswold showed the board the new vest for parking attendants to make the public aware of their presence. Mr. Buckminster said that he was looking forward to serving the town and helping in any way he can also Mr. Evans from the EMS said they will be helping with refresher training and some of the lifeguard equipment was damaged and they are planning on helping replace some of the equipment with a loan program thru EMS and will also help replace first aid supplies. Selectman Donahue thanked

CRANBERRY COMMONS TASK FORCE: The CCTF met on site Wednesday, May 26, 2010. Members discussed Phase II options, as the site is secure.

Onset Bus Shuttle Program:

- Program designed to decrease traffic in Onset Bay.
- Quick bus service from Peter Ferri's fire site and adjacent property.
- Safe and Secure vehicle protection as staff will monitor site.
- Special event program designed to efficiently bring people to town and spur economic development.

PERSONNEL UPDATE:

Local Building Inspector: Mr. Andrews is pleased to announce that he has appointed E. Andrew Williams as the Local Building Inspector to replace the retiring Jay Collins. Mr. Williams was the unanimous choice of the Interviewing Committee, consisting of Selectman Cruz, Myles Burke, Brenda Sampson-Urolatis, along with Mr. Andrews. Following favorable reports from the pre-employment requirements, including a CORI check and physical, the appointment will be effective as of June 8, 2010.

Library Director: Interviews will be held Thursday, June 10, 2010. The Interview Committee consists of: Brenda Eckstrom and Cara Winslow, Selectmen; Biz Zaleski, Town Accountant; John Sanguinet, Administrative Assistant; and Leie Carmody, Kate Furler and Martha Strachan, Library Trustees. Mr. Andrews recused himself from this process because one of the applicants is from Lawrence.

Planning Director: Mr. Andrews spoke with Mr. Rick LaCamera, Town Administrator in Rochester, about the prospect of sharing a Planning Director. He was open to a joint agreement that would benefit both Wareham and Rochester. He will keep you posted.

Harbormaster: On Tuesday, June 1, 2010, Michael Parola dropped off a letter of resignation effective June 11, 2010. I called Mr. Parola and wished him well in all of his

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future endeavors. Given the time of the year, he is working on a Transition Plan and will keep the Board posted.

TOW POLICY CLARIFICATION: The Board has received further clarification under the paragraph “Duty Wrecker List” relative to the recent policies submitted for approval by Chief Stanley. The clarification comes under the bottom of page 2 in the paragraph: “When the tow companies advance one day, the tow company from day 7 will be on duty for 48 hours instead of 24 hours.”

Mr. Andrews would recommend that the Board approve the policies as a whole, and as previously presented.

MOTION: Selectman Eckstrom moved to approve the policies as a whole, and as previously presented. Selectman Holmes seconded.

VOTE: 4-0-0 (Unanimous)

- Note: Selectman Winslow was not in the room when vote was taken.

SEAT BELT POLICY: Included with this week’s information is a Seat Belt Policy as presented by Chief Stanley, in response to a request from the Executive Office of Public Safety and Security. The Board is asked to approve the policy as presented.

LEGISLATIVE UPDATES:

- S.2133: An Act Relative to Authorize Eight (8) Additional Licenses. On June 2, 2010, the House concurred with Senate 2133 and further amended the extension date to June 15, 2010, giving them time to make a final review and comment.

8. TOWN BUSINESS

a. AD Makepeace quarterly meeting

Present before the board: Michael Hogan, Jim Kane and Linda Burke

Mr. Hogan thanked the board members that attended the ground breaking on the Rosebrook project. Mr. Hogan was before the board asking for the following three things:

1. Abandonment of a portion of Garage Street
2. Renaming of Lou Avenue to Rosebrook Way
3. Formal approval of a sewer connection permit for Rosebrook Place

MOTION: Selectman Eckstrom moved for the board to support the abandonment of a portion of Garage Street as requested by AD Makepeace and in accordance of the law to hold a public hearing and supported at the Fall Town Meeting and authorize our Attorneys to work with AD Makepeace Attorneys to bring all of that to fruition. Selectman Winslow seconded. – Selectman Eckstrom did amend the motion to include that financial cost be taken care of by AD Makepeace. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

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Mr. Hogan stated that they are requesting capacity for 50,000 gallons to allow them to do the balance of the Rosebrook Business Park and the entire medical and the two parcels to the rear and then sewer everything along route 28 that they have acquired with the principle use being the hotel. Mr. Andrews said in working with Mr. Gifford and Camp, Dresser and McKee that it's his recommendation to move forward with approval of the project. Selectman Eckstrom expressed some concerns about what would happen years down the road. Selectman Winslow stated that she was in favor also Selectman Holmes stated he was in favor as well. Selectman Donahue said she does share Selectman Eckstrom's concern that someday it will come back to the community. Selectman Cruz stated why stop progress now for something that will happen 50 years from now since we probably would need an upgrade by then anyway.

MOTION: Selectman Winslow moved to approve the request by A.D. Makepeace for the sewer connection for the Rosebrook Business Park not to exceed 50,000 gallons per day. The applicant will provide a copy of the pump station maintenance contract that provides a semi –annual inspection of the pump station and emergency generator all copies of the inspection report are to be submitted to the Wareham Water Pollution Control Facility within 30 days of the inspection date. If the inspection reports indicate a problem that is not being addressed the town may request that the inspections be done more frequently. The applicant will provide the name of a licensed septic hauler in the Town of Wareham that will provide emergency service for the applicant in the event that the wet well of the pump needs to be pumped out due to a mechanical failure, etc. There will be a minimum of 5-foot of cover over the proposed sewer system; a pressure test will be conducted on the force main of 150 psi for one hour this is the same requirement for water mains. All submittals for the pump stations emergency generator pump control and alarm system shall be submitted to the Towns consultant CDM for review prior to installation.. This review will be at the expense of AD Makepeace, the Town will not be responsible for any cost associated with these reviews. Ongoing inspections will be conducted by the staff of CDM during the installation of the new collection system pumping station and the connection to Thatcher Lane pumping station. The cost of these inspections will be at the expense of AD Makepeace. The Town will not be responsible for any cost associated with these inspections. A licensed drain layer will apply for a connection permit within 30 days of the start of the project. All road construction permits etc., have to be in compliance with the Wareham Municipal Maintenance Department. Selectman Cruz seconded

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

Mr. Hogan stated that the project is a 3-5 year build out and the expected total build out for the projects is just about 800,000 square feet which is the Tech Park the Rosebrook Business park and the frontage with a total value of \$94 million dollars which is over \$1 million in new growth which would generate net over \$800,000 in new tax revenue for the Town of Wareham. This would also create 637 construction jobs and at build out close to 2000 permanent jobs.

b. Meet with Chris Reilly re: Monthly Report
Present before the board: Chris Reilly along with Attorney Rich Bowen

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Attorney Bowen was before the board to talk about an Acts of 1977 & 2004, an act creating a Community & Economic Development Authority in the Town of Wareham. Selectman Donahue stated that they have asked Attorney Bowen to come in and clarify the acts of 1977 and 2004. Attorney Bowen stated that initially the powers of the Board of Selectmen were set out in Chapter 270 of the acts of 1977 and paraphrased section 8 it states nothing in the provisions of Chapter 121B in this act in respect to the authority and department and the Board of Selectmen in the town shall exercise full control over their respected functions and generally oversee the supervise the operation of the department and the authority and shall formulate policy and provide guidance and direction. He stated that in Chapter 383 of the acts of 2004 there was an amendment to Section 8 which read of said Chapter 270 is hereby amended by adding the following sentence: notwithstanding this section or any other provisions of this act to the contrary, to the extent permitted by law, the Board of Selectmen may by majority vote delegate to the Town Administrator any of its responsibility under the act that may be consistent with the Town Administrators' authority. Selectman Donahue stated that back in March the Board of Selectmen did delegate to the Town Administrator the day-to-day supervisory obligations due to the inability to carry out the day-to-day supervision. Selectman Donahue said that the board didn't delegate any other authority to the Town Administrator. Selectman Donahue stated to Mr. Reilly that his contract and his performance evaluation are still the responsibility of the Board of Selectmen.

MOTION: Selectman Eckstrom moved to go beyond the hour of 10:00 p.m.
Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

Mr. Reilly stated that his intent is to try and meet everyone's day-to-day expectations. Mr. Reilly stated that sometimes the expectations conflict and it creates a challenge and he is trying to work with everyone. He stated that this job couldn't be successful without support and constructive feedback. Selectman Donahue asked for an example of some time when the instruction and guidance have been conflicted? Mr. Reilly stated that it's more like getting different direction from the board and an example would be an economic development project in town where part of the board instructs him that maybe he is being too receptive or too supportive to their development needs while not considering important priorities without and the rest of the board is telling him not to listen to it and to support their needs and request as presented. He stated that it does create a conflict on how to proceed with the best interest in the town. He stated that he was before the board to meet with them and try to meet their expectations.

MOTION: Selectman Eckstrom moved to have the CEDA Director to work under the administrative direction of the Town Administrator. Selectman Holmes seconded.

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

Mr. Reilly stated that they have two grants underway the FY08 & FY09 grants and spoke about the grants. Mr. Reilly stated that the application has been reviewed by DHCD on they FY10 grant and they had about 7-8 procedural clearances they need to address before the award letter can go out. He expects some time in July to get the award letter for the full \$1 million that they applied for. He understands that all the activities they

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applied for are eligible. The Heads Up grant in the amount of \$500,000 for 361 Main Street for the 6 affordable units, the project is going well and anticipated the project to be complete by the end of June. They are reviewing applications for the affordable units in the CEDA office. Mr. Reilly updated the board on the Cranberry Task Force, on the sign and façade program they had to return some of the funds since they were not able to utilize them. They have \$50,000 available from the Wareham Crossings Development Agreement for use in the downtown for economic development purposes and they will be assisting two properties to improve their facades. For Tourism related events CEDA did vote at their last meeting to provide \$1,000 to the Onset Bay Association and \$1,000 to the Wareham Village Association for their economic development tourism related events. Mr. Reilly stated that the board reviewed the possibility of their involvement in the redevelopment of the Tremont Nail site and they have a presentation this Thursday evening at 6:30 pm in the Town Hall auditorium. Mr. Reilly said he is submitting a request to change his part time bookkeeper to a full time position and it was fully funded in the FY09 budget and he stated that they brought someone in as a temp and she is now part of the staff at 24 hours and would like to increase her to 40 hours which will be paid for by the grant.

c. Any town business

9. **SEWER BUSINESS**

a. Any sewer business

10. **LIAISON REPORTS**

(none)

11. **CHAIRMAN'S REPORT**

(none)

12. **ADJOURNMENT**

MOTION: Selectman Holmes moved to adjourn. Selectman Winslow seconded.

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

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:

Attest: ***Walter B. Cruz, Sr.*** Clerk

Date Signed: 9-21-10

Date sent to the Town Clerk: 9-23-10