

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

Date of Meeting: March 16, 2010  
Date of Transcription: March 25, 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.

Also present: Mark J. Andrews, Town Administrator

### **3. AWARD CERTIFICATES AND TROPHIES TO THE WAREHAM BOYS BASKETBALL TEAM 2009-2010 STATE CHAMPIONS**

The Board congratulated the Vikings Basketball Team on winning the MIAA Division II State Championship. The board handed out plaques and trophies to the players and the coaches. The Board of Selectmen also presented a Proclamation to the Team and proclaimed March 13<sup>th</sup> through March 20<sup>th</sup> at **"STATE CHAMPION WAREHAM VIKINGS WEEK"**.

### **4. ANNOUNCEMENTS**

- a. The Onset Protective League will hold candidates night on Thursday, March 18, 2010 at the Dudley L. Brown V.F. W. Post, Onset Avenue, Onset at 7:00 P.M. Refreshments will be served. For further information call Ann Campbell at 508-295-1486 or Nan Miller at 508-291-1635.
- b. The Charter Review Committee will hold another open public meeting on Monday, March 25, 2010 in the Town Hall Cafeteria from 7:00 P.M. to 9:00 P.M. A power point presentation on the proposal of a change in the form of Government will be made. Discussion to follow.

### **5. CITIZENS PARTICIPATION**

Present before the board: Alan Slavin

Mr. Slavin said that the Charter Review meeting from 2/6 & 2/20 is currently airing on WCTV and the most recent meeting should be on aired by Friday. The FinCom committee should be ready to air on Thursday or Friday and is 4.5 hours long. Mr. Slavin also stated that half of Oak Terrace is paved and the other is not. He stated that two homeowners on that street were before the board prior regarding the paving. When it rains the rain runs down and it catches the catch and the end result is that you have lots of dirt running into the river, which does cause problems, and you can see a brown plume running down the river. Mr. Slavin asked if the town

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made any decisions on paving that road. Mr. Slavin stated that it is a safety issue with people on motorcycles and bicycles. Selectman Eckstrom remembered asking for a price on what it would cost to pave.

### **6. CONSENT AGENDA**

- a. Authorization to sign bills and documents, etc. (none)
- b. Approval of Selectmen's regular minutes of February 16, 2010 & February 23, 2010.

**MOTION:** Selectman Cronan moved to approve the regular session minutes of February 16, 2010. Selectman Donahue seconded.

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

**MOTION:** Selectman Cronan moved to approve the regular session minutes of February 23, 2010. Selectman Eckstrom asked that they be placed on hold until she has a chance to look them over.

- c. Appointment/Interview to the Community Events Committee & Affordable Housing Trust Fund

Present before the board: Lori Benson

Ms. Benson was before the board stating that she would like to serve on the community events committee and is a fairly new resident of Onset and has been looking to get involved in something that would make a positive impact on the community.

**MOTION:** Selectman Cronan moved to appoint Lori Benson as a member to the Community Events Committee to a term to expire no later than June 30, 2011. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

Present before the board: Joseph M. Schneider

Mr. Schneider said he has dedicated 17 years of his life to both the preservation and the on going construction of affordable housing. He was the former executive director of a very large non-profit housing and community development corporation in Boston. Part of his responsibility was overseeing the day-to-day operation of nearly 1000 units of affordable housing along with 12 acres of underground parking and nearly 50,000 sq feet of commercial space.

**MOTION:** Selectman Cronan moved to appoint Joseph M. Schneider as a member to the Affordable Housing Trust Fund to a term to expire no later than June 30, 2011. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

### **7. LICENSES & PERMITS**

- a. Approximately 7:15 p.m. Show Cause Hearing: To determine if a Year Round Retail Goods Store All Alcoholic Beverages License issued to Winston

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Enterprises, Inc., d/b/a Hilltop Package Store, Harry Winston, Manager, 45 Sandwich Road, Wareham should be modified, suspended, revoked or cancelled, based upon violation of M.G.L. c.138, cessation of the licensed business and failure to open as described in the license.

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

**VOTE: 5-0-0 (Unanimous)**

Present before the board: Harry Winston

Attorney Bowen read the hearing notice into record. Detective Sergeant Doug Jacinto was before the board and both he and Mr. Winston were sworn in. Also present before the board was Mr. Winston's realtor Mr. Richmond who was also sworn in along with Mr. Tamagini the landlord. Mr. Tamagini stated that they did have a Purchase & Sale recently however the deal did just fell through. Detective Sergeant Jacinto stated that on February 24<sup>th</sup> around 4:00 pm Chief Stanley called him into the office and requested that he do an investigation into the Hilltop Package Store Liquor License. Detective Sergeant Jacinto stated that the first thing he did was to try and find a telephone number for the establishment and wasn't able to find any. They checked with the alarm company and confirmed none was listed and stated they did have an account with the business however, it was behind 6 months. The next thing he did was contact the Selectmen's office for a copy of the license and was going on the hours of operation listed on the license. The hours on the license are Monday – Saturday from 9a.m. to 10 pm and on Sunday 12 noon to 6:00 p.m. On February 14<sup>th</sup> around 4:15 pm the Detective went to the Hilltop Package Store to make a purchase of an alcoholic beverage. Upon pulling up to the store there were no vehicles in the parking lot and the lights were on in the building. There was a neon sign facing the center that said Open along with the sign on the front of the building. The door was locked and he did bang on the door and did take photos thru the plexiglass and it did appear the shelves were bare and there were no lottery. There was no sign on the door stating temporarily closed. Later that evening around 9:15 p.m. the Detective did go back to the store and found it open and did speak with the clerk by the name of Bruce Hiller and he advised him that he was checking on a level 2-sex offender who gave that address as his work location. Mr. Hiller stated that Mr. Winston was the owner of the store and that he lived in Quincy and he also asked him about the Lottery machine and he stated since about 8 months ago there has been no lottery there and the business has been down. Mr. Hiller stated that Mr. Winston has been trying to sell the business and he asked if anyone else worked there and he stated a young kid that attends college does work there part time. One of the Detectives went there on February 25<sup>th</sup> around 1:45 pm and found the store open and went inside to purchase some Rum and there was a young male behind the counter and he asked him if he had any Castillo rum which he replied he had never heard of it and he didn't work there and was only covering for someone. At 5:45 pm on February 25<sup>th</sup> the Detective went back into the store and pulled into the lot and noticed there was no vehicles and noticed a male standing at the front door which he obtained identification from the male which his name is in the report and he stated that he was from Carver and was trying to get in and waited about 15 minutes and no one was coming to the door. The Detective did try the door and it was locked and he did bang on the door and no one was in the

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store and once again the lights were on and the signs were illuminated. On February 25<sup>th</sup> at 9:25 p.m. he pulled into the lot and the lights were off and the front door was locked. On February 26<sup>th</sup> 11:30 a.m. another Detective found the store to be open went inside talked with the Clerk and noticed that there was 4 cans of Stop and Shop soda and he asked the Clerk why the store was so bare and he replied that there hasn't been much business and they were getting ready to close. Based on his investigation he believes that the owner is not living up to the requirements of the liquor license from lack of product to hours of operation. Mr. Winston said that he was in the process of a sale and was struggling and is looking to sell the business. Mr. Winston would like to sell his business and pay off his liability along with back rent.

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

**VOTE: 5-0-0 (Unanimous)**

Selectman Donahue stated that the board should give Mr. Winston a 90 day extension and to modify the license to close on Sunday and to reduce the hours on the weekdays. Selectman Eckstrom also agrees with Selectman Donahue on the extension and suggested that Mr. Winston get a little more inventory to hopefully bring in business. Selectman Sauvageau stated that the real value of the business is the license itself and the business does not have any value without the license. Selectman Sauvageau stated that it would be in the best interest of the creditors and the landlord to work with Mr. Winston and grant him an extension. Selectman Cronan disagrees with the board. Selectman Cruz stated that if the landlord agrees and Mr. Winston is willing to give it a try then he is for granting the extension. Selectman Sauvageau would like to have Town Counsel work with Mr. Winston and draft the specific hours of operation along with the terms and conditions. Discussion with Mr. Winston on closing on Sundays and be open on the other days from 12:00 noon to 9:00 p.m. and to also have adequate stock available to customers. Mr. Winston did agree to the terms and the extension was granted until June 15, 2010.

**MOTION:** Selectman Eckstrom moved to modify the all-alcoholic license issued to Winston Enterprises, Inc., d/b/a Hilltop Package Store, Harry Winston, Manager 45 Sandwich Road to include hours of operation Monday – Saturday 12:00 noon to 9:00 p.m. and close on Sunday with a date of June 15, 2010 as the date Mr. Winston will either present a purchase and sale or be requesting a license to transfer to another entity and that Mr. Winston maintains an adequate stock in order to improve and promote the business. Selectman Donahue seconded.

**VOTE: 4-1-0 (Selectman Cronan opposed)**

- b. Renewal of Seasonal Liquor Licenses under the provisions of Chapter 138 of M.G.L. for the year 2010: ( the board put this off for another week)
- i. Common Victualer All Alcoholic Beverages License issued to Bay Pointe Functions, Inc., d/b/a The Pavilion at Bay Pointe Country Club, Michael Herron, Manager, 10 Bay Pointe Drive, Onset.

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- ii. Common Victualer Wines & Malt Beverages License issued to Mark, Inc., d/b/a China Garden, Ivan Mark, Manager, 265 Marion Road, Wareham
- iii. Common Victualer Wines & Malt Beverages License issued to GYJO, Inc., d/b/a The Lobster Pot, Joseph A. Marino, III, Manager 3155 Cranberry Highway, E. Wareham.
- iv. Common Victualer All Alcoholic Beverages License issued to AL & EL Corp., d/b/a Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, E. Wareham.
- v. Common Victualer Wines & Malt Beverages License issued to Merchant's Way on the Bay, Inc., Louis Teceno, Manager, 241 Main Street. ( Selectman Donahue asked for the board to hold off to make sure that the widow of Mr. Teceno is aware that she has to come in and apply for a change of manager.)
- vi. Club All Alcoholic Beverages License issued to Point Independence Yacht Club, Inc., d/b/a Point Independence Yacht Club, Peter Sullivan, Manager, 15 Independence Lane, Onset

**MOTION:** Selectman Cronan moved to approve Common Victualer All Alcoholic Beverages License issued to Bay Pointe Functions, Inc., d/b/a The Pavilion at Bay Pointe Country Club, Michael Herron, Manager, 10 Bay Pointe Drive, Onset.  
Common Victualer Wines & Malt Beverages License issued to Mark, Inc., d/b/a China Garden, Ivan Mark, Manager, 265 Marion Road, Wareham  
Common Victualer Wines & Malt Beverages License issued to GYJO, Inc., d/b/a The Lobster Pot, Joseph A. Marino, III, Manager 3155 Cranberry Highway, E. Wareham.  
Common Victualer All Alcoholic Beverages License issued to AL & EL Corp., d/b/a Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, E. Wareham.  
Club All Alcoholic Beverages License issued to Point Independence Yacht Club, Inc., d/b/a Point Independence Yacht Club, Peter Sullivan, Manager, 15 Independence Lane, Onset. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

- c. Use of Town roads for the "Viking Week Parade" to be held on March 20,2010 at 10:00 a.m. The parade will start at Besse Park, down main Street and left on Chapel Hill to Marion Road and end at the Town Hall Parking lot.

**MOTION:** Selectman Cronan moved to approve the use of town roads to Mark J. Andrews, 54 Marion Road, Wareham for the use of Town roads for its Viking Week Parade. The parade starts at Besse Park down Main Street and left up Chapel Hill to Marion Road and end at the Town Hall on Saturday, March 20,2010 at 10:00 a.m. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

**8. TOWN ADMINISTRATOR'S REPORT**

**MASSACHUSETTS INTERLOCAL INSURANCE AGENCY (MIIA)**  
**REWARDS PROGRAM:**—On March 5, 2010, Mr. Andrews met with Ms. Adrienne Magnolia, Senior Account Executive and Mr. David Labonte, Senior Control

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Representative. This program is designed to limit our liability and to be proactive in Comprehensive Risk Management. We have earned \$74,000 since inception of the program in 2002. Mr. Andrews has submitted three seminars/departments meetings: (1) State Ethics Program for Employees, Boards and Commissions; (2) New State Open Meeting Law Seminar; and (3) Governmental Auditing and Taxation Seminar. Also, we have added the “replacement costs” for all of our (9) new vehicles in the Police Department, thus allowing the Town to recoup total replacement if the vehicle were totaled.

Additionally, on January 11-14, 2010, we scheduled a “Practical Driving Simulation for PD” at the Wareham Police Department. This simulator projects potential life threatening scenarios and gives our officers a tutorial on safe driving. We had 43 out of 45 police officers participate in this safety program and reduced our premium by \$2,000.

We will also be using MIIA for our Employee Assistance Program (EAP). Previously, we had been contracting this with an outside vendor at a cost of approximately \$3,600/year for Town-side employees (cost was based upon the number of employees and it is my understanding the School Department chose not to participate). The MIIA EAP program includes all town personnel at no increase in our current premium.

Lastly, he intend to create a Risk Management Committee for the Town, designed to reduce our exposure, provide incentives for safety and to apply for MIIA \$350,000 grants program (towns can receive up to \$5,000).

### 2 WEEKLY UPDATE ON LEGISLATION

- **Senate Bill 2133:** An Act Relative to Authorize Eight (8) Additional Licenses. Shirley and Mr. Andrews are working with the State ABCC. On March 10, 2010, we conference called with Mr. Ralph Sacramone, Executive Director of Mass. ABCC. We are reviewing his recommendation to review Chapter 383 if the Acts of 2006, *An Act Increasing the Number of Licenses for The Sale of Alcoholic Beverages in the City of Boston* (copy attached)

Also, Rep. Theodore Speliotis will visit Wareham on Monday, March 22, 2010 as our guest of our local Legislative Delegation, Sen. Marc Pacheco and Rep. Susan Williams Gifford. Prospective applicants are encouraged to attend this meeting.

3. **FORMATION OF REVIEW COMMITTEES:** Per his report on March 9, 2010, Mr. Andrews has formed Review Committees (see attached) for the positions of Town Planner, Town Librarian, and Director of Inspectional Services. He anticipated filling these important positions as soon as possible.
4. **PRELIMINARY MEETING WITH MASS. SCHOOL BUILDING AUTHORITY:** On Wednesday, March 10, 2010, Mr. Andrews met with Superintendent Barry Rabinovitch, Ana Miranda, Director of Operations/Finance, Joan

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Seamans, Principal Minot Forest School, and staff from the Massachusetts School Building Authority.

5. **VACCINE COLD STORAGE REFRIGERATOR:** We received \$5,000 from the State for the purchase of a new cold storage refrigerator. This new refrigerator will be used to store all vaccine for the Wareham Board of Health/Seasonal Flu Clinics.
6. **THE WAREHAM EMPLOYEES HEALTH FAIR:** The annual Employee Health Fair is scheduled for Monday, May 10, 2010 from 10:00AM-2:30PM. Vendors from doctors, nursing associations, smoke-free cessation programs and others will be on hand to help provide employees with answers to questions they may have and to lead them toward a more healthy lifestyle if necessary. This is sponsored by the Board of Health and is always well attended by staff and vendors.
7. **USED ENGINE FOR ONSET FIRE DEPARTMENT:** Chief Stanley received a request for a used engine from one of our old police vehicles. A memo is attached from the Chief indicating the engine that would be available. The Board will need to approve the request.

**MOTION:** Selectman Cronan moved to approve the request from the Fire Chief for a used engine from one of the old police vehicles. Selectman Donahue seconded.

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

### 9. **TOWN BUSINESS**

- a. Approval of the Seasonal Renewal Certification 2010 from the ABCC

**MOTION:** Selectman Cronan moved to accept the 2010 Seasonal Liquor License Renewal Certification 2010 from the ABCC. Selectman Cruz seconded.

**VOTE: 5-0-0 (Unanimous)**

- b. Close town meeting warrant

Selectman Cronan read Pursuant to the within Warrant, I have notified the inhabitants of the Town of Wareham herein described, to meet at the time and place for the purpose within mentioned by posting attested copies thereof in at least one public place in each precinct within the Town on or before February 19, 2010, and by causing this Warrant to be published on or before April 8, 2010.

**MOTION:** Selectman Cronan moved to close the warrant. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

**MOTION:** Selectman Eckstrom moved that closing the warrant will allow for Scribner errors on the warrant. Selectman Donahue seconded.

**VOTE: 5-0-0 (Unanimous)**

- c. Approval and acceptance of the Policies & Procedures for the Wareham Police Department

## SELECTMEN/SEWER COMMISSIONERS MEETING – 3-16-10 (CONT'D)

Selectman Cruz feels that a policy should be in place for the use of a personal cell phone for emergency use only. Also he would like to see a computer policy also that the computer cannot be used for personal use. Selectman Eckstrom asked if they could hold that one policy out and have Mr. Andrews ask the chief to include that in the policy.

**MOTION:** Selectman Cruz moved the board to approve the policy and procedure for the Wareham Police Department except for the cellular policy use #7. Selectman Eckstrom seconded.

**VOTE: 5-0-0 (Unanimous)**

d. Meeting with the Open Space Committee

Present before the board: Sandy Slavin & Don Hall

Ms. Slavin stated that the Committee is in the final stages of completing a draft of the Open Space for the Seven-year plan from 2010-2017. Ms. Slavin stated that the seven-year action plan has been reviewed and accepted by the committee and wanted to the board to look at it as well. They have another section to complete and they are just waiting for the assessors to provide them with some maps. They will be presenting the plan to the Town, Board of Selectmen along with the Conservation Commission for a 30-day review cycle for comments. It then goes to the state for review and back to the town for a sign off and acceptance.

Any town business (none)

### **10. SEWER BUSINESS**

a. Approval of FY10 3rd half omitted commitment for Sewer User Fee  
(Mr. Andrews asked that this be held until the next meeting)

b. Any sewer business

### **11. LIAISON REPORTS**

### **12. ADJOURNMENT**

**MOTION:** Selectman Eckstrom moved to adjourn the meeting and enter into executive session to discuss strategy with respect to litigation if the discussion in open session would have a detrimental effect on the position of the governmental body. Selectman Cronan seconded.

Poll vote: Selectman Eckstrom – yes  
Selectman Donahue – yes  
Selectman Sauvageau – yes  
Selectman Cronan – yes  
Selectman Cruz – yes

### **13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD**

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Respectfully submitted,  
***Janet Wilson***  
Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on:  
April 13, 2010.

***Attest: John P. Cronan.*** Clerk, pro-tem

Date Signed: 4-13-10

Date sent to the Town Clerk: 4-14-10