

MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: April 12, 2011
Date of Transcription: April 13, 2011
Transcribed by: Janet Wilson

1. CALL MEETING TO ORDER BY CHAIRMAN

2. ROLL CALL

Selectmen Present: Walter B. Cruz, Sr., Chairman
Stephen M. Holmes, Clerk
Cara A. Winslow, Absent
Ellen M. Begley
J. Michael Schneider

Also present: Mark J. Andrews, Town Administrator

3. CITIZENS PARTICIPATION

Present before the board: Mary Nyman

Ms. Nyman wanted to know who was behind the signs we want Chief Stanley or we want a recall? She also wanted to know if a contract has been finalized with Chief Stanley and has been hearing rumors about his pay? Ms. Nyman also wanted to know how a town like Wareham could pay the Police Chief a high salary without layoffs? Chairman Cruz said that he wasn't aware of who placed the signs around town and the signs that were on town property have been removed. Chairman Cruz said that the rumors are just that rumors. Mr. Andrews said that the Police Chief has over 25 years experience and the Town of Bourne is paying their Cheif between \$147,000-\$149,000. Mr. Andrews said that in the budget built back in December was a factor of covering any expenses going forward as a charge to him to get Chief Stanley under contract so that it has been built into the budget. He said that he is in the final stages of contract negotiations.

Present before the board: Jennifer Petersen

Ms. Petersen stated to Mr. Andrews that he said the budget was developed in December and the Governors budget was released until January and the ways and means budget wont be released until tomorrow. She questioned how he plans on offsetting the 7% cut that was coming from the State as well as the unaccounted \$919,000? She said with those two lack of revenue services at this time what is the town going to forgo in order to afford the Chief? She said we don't' have safe parks, we have issues with busses; along with other safety concerns within the town.

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Mr. Andrews said they have been adjusting this going forward and he has been in touch with the Chairman of the house ways and means committee and his staff on a day-to-day and week to week status to try and figure out what direction they are moving in. He also said that believes that in talking with Senator Pacheco that a joint resolution with local aid will be coming out of legislature very soon. Mr. Andrews said that he has submitted his budget balanced for the last fiscal year and balanced this year, which will be certified by our public auditors, and they have put in \$150,000 last year and \$150,000 this year in the reserve fund. Mr. Andrews said that he has not seen a more dynamic public safety official in his thirty years of experience in public service. Ms. Petersen asked what is the town going to forgo? Chairman Cruz said that this wasn't a debate and they need to move on.

4. ANNOUNCEMENT
(None)

5. WESTFIELD DISCUSSION

Present before the board: Bruce Sauvageau

Mr. Sauvageau congratulated the new members of the board along with Selectman Cruz as his role as Chairman. Mr. Sauvageau said that the Westfield Committee met last Thursday and the draft to the article substantially complete and they have a couple of outstanding issues. They two issues are the official numbers of the affordable housing count as well as the official 2010 Census data. Mr. Sauvageau stated that the DHCD won't commit to an official number and they question is whether or not the Board would be okay with them using the unofficial number which is the Federal Census numbers so that they can get the draft document to the board as soon as possible. The DHCD won't have the final numbers until May or June and they don't want to wait that long. Selectman Holmes asked if they could wrap this up in one more meeting? Mr. Sauvageau stated that it was his personal opinion that they could get it done in one meeting if they focused and worked hard.

MOTION: Selectman Holmes moved to schedule a joint meeting with the Westfield Recommendation and Review Committee for April 21, 2011. Selectman Schneider seconded.

VOTE: 4-0-0 (Unanimous)

Selectman Schneider said it was his understanding that the primary purpose of the article was to provide substantial number of seniors affordable housing units. He asked what was the status of the fields at this point? Mr. Sauvageau said they discussed, as a committee and they felt the proper way would be to request that town meeting draft that instrument.

6. CONSENT AGENDA

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

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- b. Approval of minutes: Regular session minutes of January 25, 2011
& Executive session of April 21, 2009.

MOTION: Selectman Holmes moved to approve the meeting minutes of January 25, 2011. Chairman Cruz seconded.

VOTE: 2-0-2 (Selectman Begley & Schneider abstained)

MOTION: Selectman Cruz moved to approve and release the executive session minutes of April 21, 2009.

VOTE: 1-0-3 (Selectman Holmes, Begley & Schneider abstained)

7. LICENSES & PERMITS
(None)

8. TOWN ADMINISTRATOR'S REPORT LEADERSHIP TEAM

Garry Buckminster, Harbormaster, was present addressing the board on the following items:

Department Update and Progress.

Promotion of our Coastal Clean-Up

Boating Safety Course

Mr. Buckminster said that they going to be mailing out on May 1st the mooring permits. He also said they are going to have the fish relay this year because and the cost of a 1000 bushel of relay was at the lowest price it's been in 10 years. Mr. Buckminster spoke about updating the docks down at the Onset Pier. He stated that the restrooms in Onset now have security surveillance system up and running. They are in the final phases Tempest Knob Boat ramp with the Engineers regarding an issue with the storm drain that has washed out the seawall. They will be putting in a new catch basin to stop the corrosion. He spoke about the moving the office to the Multi-Service Center to allow room for the Inspectional Services to expand his office.

They are going to have a Coastal Clean up day on April 23rd, from 10:00 am to 3:00 pm in Onset.

Mr. Buckminster stated that he has teamed up with Salerno's and they are going to promote safe boating. If they see a child wearing a life jacket they will stop the boat and hand out a certificate along with a coupon for a free Ice Cream cone to promote safe boating.

They are going to be offering a boating safety course on May 7th and the location is to be determined. The cost of the course is \$45 and it's an 8-hour course.

The Boating Safety Day will be held on May 28th from 10:00 am to 3:00 pm.

On Monday, March 28, 2011 at 10:00 a.m., Mr. Andrews attended a meeting along with Myles Burke, Director of Inspectional Services and 40 residents at the Cup of the Bay, in Onset Village Center. The main topic of discussion was the prospective use of property located at 39 South Boulevard, the so-called Harborview Apartments as a change of use for a Treatment Center. Mr. Burke has not received an application of permits for renovations and a change of use. His understanding is that this is a residential zone and potentially will require a site plan review by the Planning Board and/or Zoning Board of Appeals. We are researching this process to allow for due process and be provided to abutters and residents of the neighborhood.

**LEGAL ADVISORY – NOTABLE HIGHLIGHTS NEW REGULATIONS FROM
THE STATE ETHICS COMMISSION**

On March 23, 2011, Mr. Andrews received an advisory opinion regarding certain clarification on a number of aspects of State Ethics policies, including: Gifts to Public Employees; Exemptions Unrelated to Gifts.

Mr. Andrews has asked Attorney Rich Bowen to present an update at the March 30, 2011 meeting of our Leadership Team. There were many good questions and answers. Mr. Andrews is coordinating with Rich Bowen a similar meeting with boards and commissions.

ONSET STONEBRIDGE SEWER PIPE REPLACEMENT

The work has resumed on Monday and should be completed at that time. There is 60 feet left to insulate to be complete. All pipes have been replacing coated for corrosion with welded seams. Two flex stainless steel expansion joints were added at each end between the pipes in the ground to the pipe crossing the bridge. Even though it was not part of the original package it was prudent. We also added the ability to access the pipe through a clean out for jetting purposes. The replacement protective rails are being fabricated and will be installed. The rails were rotted and cut away for access. Mr. Andrews was assured by the contractor that no extra costs will be added to their bid. The rollers on which the pipe assembly sits were replaced with heavy-duty metal and coated with corrosion inhibitor. This project has been completed on time and under budget.

NEW STREET SWEEPING PROGRAM – UPDATE

Please be advised that our new street sweeping program is underway. Wareham and Onset Village have been completed and we are making our way throughout Town.

**CHAPTER 90 LOCAL TRANSPORTATION AID FUNDING FOR FISCAL YEAR
2012**

Mr. Andrews was pleased to inform the board that the Chapter 90 local transportation aid funding for FY2012 will total \$200 million statewide. The Town of Wareham's Chapter 90 apportionment for Fiscal 2012 is \$735,128. This apportionment is

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automatically incorporated in our existing 10-Year C.90 contract, which was signed in FY2008.

Mr. Andrews said that he has a tentative agreement with the Chief, which encompasses the best possible plan going forward.

MOTION: Selectman Schneider moved to appoint Chief Stanley as permanent full time Police Chief for the Town of Wareham. Selectman Begley seconded. Chairman Cruz stated that he believes that Mr. Andrews wasn't done yet. Mr. Andrews said that the money is in the budget and we should move forward to make this happen. Selectman Holmes stated that the Town Administrator doesn't poll the board he has either hired the man or he hasn't. Selectman Schneider said he takes it as the Town Administrator is appointing the Chief of Police. Selectman Holmes stated that he would like for him to state that. Mr. Andrews stated that he is appointing the Chief of Police. Selectman Holmes then asked what the salary range was. Mr. Andrews stated the salary would be \$166,000. The base pay is \$130,000 and his payment under the Quinn bill is an additional \$36,000. Selectman Holmes stated that he does not believe we don't have the money and he has asked to see where the money is coming from for the last two weeks and has not received an answer. Selectman Holmes said the police budget for overtime has already been spent thru the first week of March according to the town's numbers. He would like to know where all this money is going to come from? Mr. Andrews said this is in the wages and salaries item and the Chief will not be receiving any overtime. Mr. Andrews said that the Police Department would balance its budget this fiscal year like it did last year. Chairman Cruz said that the overtime has been excessive and he has spoken with the Chief and he has a plan in place to try and relieve it. . Selectman Holmes stated that essentially what Chairman Cruz is saying is that he is willing to hire the Chief of Police at much more money than the old one if he cuts the overtime on the backs of those guys. And I know why there're standing there and I don't think it's funny. The personal threats and everything else that's gone on with this over the last few weeks is really sickening here in Wareham. I got them, Mike you're right; from some of those guys standing right there. So I'm not to thrilled about this and I think this is insane. For a guy to come in here and throw his weight around and where is all the money. So you're going to put into this guys' contract that he cuts the overtime to cut himself a sweet deal. That's not right Chairman Cruz. I don't believe that's right. Selectman Holmes said that he still would like to know where the money is coming from and stated that some people have been working without a contract for four years and wanted to know when they will have a contract. Selectman Schneider stated that the reason the overtime was high was because they were down officers. Chairman Cruz said that the overtime has been excessive and he has spoken with the chief and he has a plan in place to try and relive it

VOTE: 3-1-0 (Selectman Holmes opposed)

An audience member asked if the board has been informed in writing of this appointment according to Town Charter? Chairman Cruz said that now that he's made

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the appointment they have 15 days. The member said that he believes a full board should be present for the vote. Chairman Cruz said the other member will be back on Tuesday and they will go over it again. Mr. Andrews said that this is a civil service transfer and he needed the consensus of the board and he has legal opinion that says the civil service takes precedence and will sign the paperwork in the morning, get the paperwork from the state department of human resources and bring back the contract for the board to place on file.

Model Regional Recreation Program – Mr. Andrews is working with Barbara Sullivan at the Boys and Girls Club and he's looking for her guidance with this program.

Business Certificates – Mary Ann Silva and Myles Burke are working on a plan to ensure compliance and that business owners are aware they need a business certificate.

Land Donation Review Task Force is working with the bank to find out if a donation can be made possible with regards to an environmental analysis that will be forthcoming.

Governor's FY2012 budget – Mr. Andrews provided the board with a copy of the budget and was looking for the boards consideration and review.

Decas Safety Issues – Mr. Gifford is working on the crosswalks and a better signalization around the school and will update the board next week.

9. TOWN BUSINESS

a. Approval of release deed for AD Makepeace

Mr. Andrews stated that a vote would not be necessary and the release deed would require the signatures of the board only.

b. Discussion of 13 Arnold Street

Mr. Andrews said that this would be worked on between Attorney Perry and Attorney Bowen.

c. Discussion with Community Preservation Committee re: Conservation Restriction on the Swifts Beach Parcel purchased with CPC funds.

Present before the board: Sherbie Worthen, Nancy Miller, Bruce Sauvageau & Kate Furler

Ms. Miller stated that in November the members of the Swifts Beach Improvement Association came before CPC and asked if they could pursue holding a conservation restriction on the 5.5 acres parcel on Swifts Beach. Ms. Miller told them at that time they would need to set up a small land trust and they had no issues with it. Ms. Millers states that when CPC funds are used there needs to be a restriction on the property. The Conservation Restriction that was provided to the board last week has

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not been vetted by Conservation Commission and until the group finishes organizing as a land trust the state will not review the conservation restriction. It is the hopes that within the next three months that a small land trust with the Swifts Beach Improvement Association. Ms. Miller stated that she found out from Conservation in Boston that because they are a local land trust they can partner with Conservation and the two could hold the Conservation restriction on the Swifts Beach Property.

At this point a member of the audience had a concern with someone taking photos in which Chairman Cruz said that he does have a right to do as long as he gets permission first. Selectman Holmes stated that this is a public meeting and anyone can take photos if they want to and don't need to get permission to take pictures during a public meeting. Selectman Schneider stated that he believes the law states that with prior permission of the Chairman of the board that a person can take pictures however, it must be from a fixed location and it must not cause a disruption of the meeting. Mr. Sauvageau said that they just reviewed the email and discussion and believes he understands the recommendations. He believes he can take this recommendation and advise as a good advise from a disinterested party. Mr. Sauvageau said that the property would be owned and continued to be owned by the Town of Wareham for the purpose of a public beach once the restriction is put in place. Ms. Millers stated that the Conservation Restriction has not been vetted by the CPC or Conservation so at this point the board cannot put its' approval on it and until the state approves the Swifts Beach Improvement Association/Land trust as the holder they will not review the document. Mr. Sauvageau stated that they will work with the CPC, Conservation Commission and both Town and State counsel in drafting the best bulletproof document they can.

d. Discussion and consideration of surplus van at the Municipal Maintenance Department

Mr. Andrews said that the board is asked to surplus vehicle #33 a small passenger Bus to WCTV. Selectman Begley asked what the value of the bus was in which Mr. Andrews responded \$500-\$1000 and in non-use status at some time.

MOTION: Selectman Holmes moved to surplus vehicle #33. Selectman Schneider seconded.

VOTE: 4-0-0 (Unanimous)

e. Any other town business

Selectman Holmes stated that several weeks ago they held interviews for the Director of Assessment. He feels that the Assessors office is in grave danger of not being able to set the tax rate without a Director. Mr. Andrews said that they have interviews scheduled with the three finalists this Thursday and he has spoken with two of the finalist and they are enthusiastic. He stated that Barbara LeFavor is currently the Acting Director of Assessment. Mr. Holmes asked if the Town Administrator could put on under his report of ongoing issues the Director of Assessment.

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Selectman Holmes asked about the Sewer Department employees that were approved at last town meeting? He asked if they have been hired. Mr. Andrews said that one of the positions has been filled.

10. **SEWER BUSINESS**

a. Any other sewer business

Present before the board: Guy Campinha

Mr. Campinha said that he has received a call from DEP wondering if they hired the two people and they said that was the promise that was made to them. Mr. Campinha explained to them that they are currently looking for technology. In his opinion they need to still hire people and they are planning on hiring two. They are looking into split shifts to cover weekends.

11. **LIAISON REPORTS**

Chairman Cruz said the board would be discussing the Liaisons at the next meeting.

Selectman Holmes stated that he did attend the Adhoc meeting along with Selectman Schneider. He did ask the Superintendent how he planned on educating the town that there was a gap between what he requested for the school budget and what Mr. Andrews had in his budget by 2.6 million dollars. There are some programs that the School will be cutting.

Chairman Cruz stated that the Community Events Committee is in the process of reviewing applications for 24 events taking place and everyone made the deadline

12. **ADJOURNMENT**

MOTION: Selectman Holmes moved to adjourn the meeting. Selectman Begley seconded.

VOTE: 4-0-0 (Unanimous)

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

Respectfully submitted

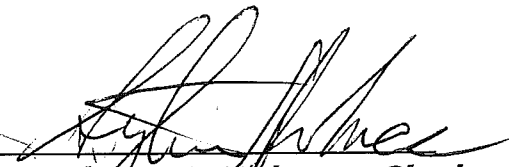
Janet Wilson

Department Assistant

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on:

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Attest:


Stephen M. Holmes, Clerk

Date Signed:

5/23/11

Date sent to the Town Clerk:

6/1/11