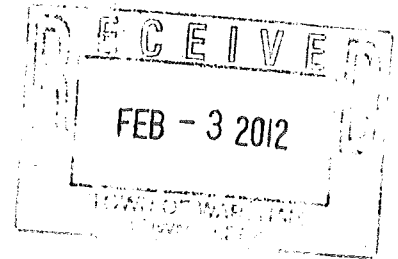




**TOWN of WAREHAM**  
**Board of Selectmen/Sewer Commissioners**  
**MEETING AGENDA**

6:00 pm – Multi-Service Center, Room 320, 48 Marion Road, Wareham, Massachusetts

1. **CALL TO ORDER BY CHAIRMAN**
2. **ROLL CALL**
3. **ANNOUNCEMENTS**
4. **CITIZENS PARTICIPATION**
5. **OPEN MEETING LAW CLARIFICATION**
6. **7:15 P.M. HEARING – TAX CLASSIFICATION HEARING**
7. **CDBG GRANT APPLICATION – CEDA DIRECTOR**
8. **DISCUSSION RE. WESTFIELD**
9. **CONSENT AGENDA**
  - a. Authorization to sign bills and documents, etc.
    - (i) Contract #2 – sewerage works improvements, estimate 15 & 16.
10. **LICENSES AND PERMITS:**
  - a. **Renewal of the following Year Round Retail Package Goods Store All Alcoholic Beverages Licenses for the year 2012, under the provisions of chapter 138 of the Massachusetts General Laws:**
    - i. Vinayak Liquors, Inc., d/b/a Anchor Liquors, Deepal Patel, Manager, 2360 Cranberry Highway, West Wareham.
    - ii. Assinippi Liquors, Inc., Raymond Vezina, Manager, 3 Barker Road, East Wareham.
    - iii. Browne's Package Store, Inc., d/b/a Browne's Liquors, Karan Johar, Manager, 135 Marion Road, Wareham.
    - iv. The Jinjas Company, Ltd., d/b/a The Jug Shop, Adelaide DePonte, Manager, 219 Main Street, Wareham.
    - v. The Liquor Locker, Inc., Bhavini Pranav Parekh, Manager, 3021 Cranberry Highway, East Wareham.
    - vi. SRI OM, LLC d/b/a Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, East Wareham.
    - vii. Mill Pond Station, LLC, Jack Gadles, Manager, 2569 Cranberry Highway, Wareham.
    - viii. Oak Grove Corporation, Ronald McCoy, Manager, 47 Depot Street, East Wareham.
    - ix. Onset Village Market, Inc., Natwarabhai Patel, Manager, 231 Onset Avenue, Onset.



- x. Pepin's, Inc. d/b/a Pepin's Liquors, Mark Pepin, Manager, 2259 Cranberry Highway, West Wareham.
- xi. D.J. Sullivan, LLC d/b/a Sullivan Wine & Spirit, Joel Sullivan, Manager, 260 Marion Road, Wareham.
- xii. Narnarayan Liquors, Inc., d/b/a Wareham Liquors, Dimpelben Patel, Manager, 419 Main Street, Wareham.
- xiii. Acap, Inc. d/b/a Wines & More, Wareham, Thorpe J. Doran, Manager, 2421 Cranberry Highway, Suite 460, Wareham.

**b. Renewal of the following Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2012, under the provisions of Chapter 138 of the Massachusetts General Laws:**

- i. Trova, Inc. d/b/a Bailey's Surf 'N Turf, Richard O'Melia, Manager, 3056 Cranberry Highway, East Wareham.
- ii. Digital Credit Union d/b/a Bay Pointe Country Club, William Fuller, Manager, 19 Bay Pointe Drive, Onset.
- iii. Captain Al's Restaurant, LLC, Alfred Harrington, Manager, 3236 Cranberry Highway, East Wareham.
- iv. Charlie's Place, Inc., Charles Nickolaow, Manager, 3075 Cranberry Highway, Wareham.
- v. Pepper Dining, Inc., d/b/a Chili's Grill & Bar, Joshua Thibault, Manager, 2889 Cranberry Highway, East Wareham.
- vi. LR Hunt, LLC dba Café Soleil, Leanne Hunt, Manager, 241 Main Street, Wareham.
- vii. Mark, Inc. dba China Garden, Jomena Mark, Manager, 265 Marion Road, Wareham.
- viii. Al & El Corp. dba Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, East Wareham.
- ix. Fan Club, Inc., Glen Justice, Manager, 2859 Cranberry Highway, East Wareham.
- x. G.S. Corporation d/b/a Gateway Tavern, Joseph Sauro, Manager, 371 Marion Road, Wareham.
- xi. Hong Kong Island Restaurant, Inc., Henry Chan, Manager, 3035 Cranberry Highway, East Wareham.
- xii. Lindsey's Inc., Cheryl Lindsey, Manager, 3138 Cranberry Highway, East Wareham.
- xiii. Little Harbor Country Club, Inc., Christine DiRienzo, Manager, 2 Little Harbor Road, Wareham.
- xiv. Rare Hospitality International, Inc. d/b/a LongHorn Steakhouse, Patricia Garcelon, Manager, 2421 Cranberry Highway, Suite 480, Wareham.
- xv. Concol, Inc., d/b/a Narrows Crossing Restaurant, Robert Nawoichik, Manager, 1 Narrows Road, Wareham.
- xvi. 99 Restaurants of Boston, LLC, Todd Cardeiro, Manager, 3013 Cranberry Highway, East Wareham.
- xvii. Stevie B's, Inc., d/b/a Onset Sports Resort, Stephen Beranger, Manager, 270 Onset Avenue, Onset.

- xviii. Blue Dog, LLC, d/b/a Piper Beau's, Nicholas Jeppi, Manager, 207 Main Street, Wareham.
- xix. Pier View Restaurant, Inc. dba Stephen's Lounge, Stephen Baptiste, Manager, 201 Onset Avenue, Onset.
- xx. Welch Restaurant & Lounge, Inc., d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway, Wareham.
- xxi. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, David Pincus, Manager, 2421 Cranberry Highway, Suite 350, Wareham.
- xxii. Rosebrook Place Hospitality, LLC dba Rosebrook Place Hospitality, James F. Kane, Manager, 2476 Cranberry Highway, Wareham.
- xxiii. Rosebrook Place Hospitality, LLC dba Rosebrook Place Hospitality Inn & Conference Center, James F. Kane, Manager, 2472 Cranberry Highway, Wareham.
- xxiv. Salerno's, Inc., d/b/a Salerno's Function Hall, John C. Salerno, Manager, 196 Onset Avenue, Onset.
- xxv. Hadley-Macintosh Enterprises dba The Stonebridge, Justin Hadley, Manager, 5 East Boulevard, Onset
- xxvi. Vel's Inc., d/b/a Vel's Restaurant, Carlton Bump, Manager, 2352 Cranberry Highway, West Wareham.
- xxvii. Wasabi Steakhouse, Inc., d/b/a Zen Palace, Ying Shi, Manager, 2421 Cranberry Highway, Wareham, MA

**c. Renewal of the following Year Round Common Victualer Wines and Malt Beverages License for the year 2012, under the provisions of chapter 138 of the Massachusetts General Laws:**

- i. Welch's Barnacle Bill, Inc., d/b/a Barnacle Bill's, Brian Welch, Manager, 3126 Cranberry Highway, East Wareham.
- ii. Marc Anthony's LaPizzeria, Ltd., d/b/a Marc Anthony's, Mark A. Salerno, Manager, 190 Onset Avenue, Onset.
- iii. Tsika, Inc. d/b/a Minerva's Pizza, Litsa Kalkanis, Manager, 257 Main Street, Wareham.

**d. Renewal of the following Year Round Club all Alcoholic Beverages License for the year 2012, under the provisions of chapter 138 of the Massachusetts General Laws:**

- i. Wareham Lodge of Elks #1548, Manuel J. Garcia, Manager, 2855 Cranberry Highway, East Wareham.
- ii. Cromesett Tribe #156 Improved Order of Redmen, Inc., Philip Gustafson, Manager, 745 Main Street, Wareham

**e. Renewal of the following Year Round Veterans Club all Alcoholic Beverages License for the year 2012, under the provisions of chapter 138 of the Massachusetts General Laws:**

- i. American Legion, Inc., d/b/a American Legion Post #220, John Fearing, Manager, 777 Main Street, Wareham.
- ii. Dudley L. Brown Post #2846 VFW of US, Inc., Arthur Lee, Manager, 4 Gibbs Ball Park Road, Onset.

f. **Approve the following applications of Year Round Liquor Licensees to remain open until 2:00 a.m. on January 1, 2012 for New Year's Eve Parties to be held December 31, 2011, under the provisions of chapter 138 of the Massachusetts General Laws:**

- i. G.S. Corporation d/b/a Gateway Tavern, Joseph Sauro, Manager, 371 Marion Road, Wareham.
- ii. Al & El Corp. dba Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, East Wareham.
- iii. Wareham Lodge of Elks, Manuel Garcia, Manager, 2855 Cranberry Highway, East Wareham.
- iv. Hong Kong Island Restaurant, Inc., Henry Chan, Manager, 3035 Cranberry Highway, East Wareham.

**11. TOWN ADMINISTRATOR'S REPORT**

- a. Leadership Team Update.
- b. Presentation to the 6<sup>th</sup> grade class of the middle school.
- c. Reading week at Minot Forest School.
- d. Rosemary Lackey celebration of Our Hometown Heroes award of 2011.
- e. Cape Cod Canal Centennial 100<sup>th</sup> celebration.

**12. TOWN BUSINESS**

- a. Town Administrator's FY2013 Message on Operating Budget & Capital Plan.
- b. Proclamation – Wareham Code Club.
- c. Discussion re. 7 Nicholas Drive.
- d. Any Town business.

**13. SEWER BUSINESS**

- a. FY2012 1<sup>st</sup> half omitted commitment.
- b. Sewer tie-in for Pomodores Restaurant.
- c. Any other sewer business

**14. LIAISON REPORTS**

**15. ADJOURNMENT**

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

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

Date of Meeting: December 13, 2011  
Date of Transcription: December 15, 2011  
Transcribed by: Janet Wilson

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

Chairman Cruz called the meeting to order at 7:00 pm.

### **2. ROLL CALL**

Selectmen Present: Walter B. Cruz, Sr., Chairman  
Stephen M. Holmes, Clerk  
Cara A. Winslow arrived at 6:15 p.m.  
Ellen M. Begley  
J. Michael Schneider arrived at 6:10 pm.

Also present: Mark J. Andrews, Town Administrator and Attorney Rich Bowen

### **3. ANNOUNCEMENTS**

Moment of Silence held in memory of Bill Elliot who worked for the Town of Wareham for many years.

On Wednesday December 14<sup>th</sup> at 7:00 p.m. there will be a joint meeting with the Board of Selectmen and the Finance Committee along with Powers & Sullivan and it will also be televised.

The Wareham High School Band and Choir will be having a concert Thursday, December 15<sup>th</sup>

Box5 will have a fire truck located outside the Victorian Café in Onset this weekend from 10:00 a.m. to 4:00 p.m. to collect unwrapped toys and non perishable food items.

On Saturday, December 17<sup>th</sup> from 2:00 p.m. to 7:00 p.m. Stevie B's in Onset will be holding a fundraiser for the fire victims. Tickets are \$10.

### **4. CITIZENS PARTICIPATION**

(None)

### **5. OPEN MEETING LAW CLARIFICATION**

Present before the board: Attorney Rich Bowen

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

Attorney Bowen said that he took a look at the issue involved and said there seems to be a couple of related issues and none of which rose to an open meeting law violation. He said one was a question about Selectmen policy that they have on the books which he believes is 88-11 and wasn't 100% sure and went on to say the policy says an individual member can't establish a policy without bringing it back to the full board and having the board vote on it. He said that the particular circumstances that gave rise to that policy being brought up at a meeting had to do with a meeting that the Town Administrator had convened asking a few Department Heads to come in and brief him on something. It was initiated by the Town Administrator and in this case not the Chairman of the board therefore, it wasn't a situation where the board was in violation of a policy since he had initiated a meeting on his own. There was no issue in respect to the Selectmen's policy on that and in talking with the Chairman and the Town Administrator he said it was pretty clear that if anything was to come out of these sorts of meetings such as a policy, it would be a type of thing that would have to come before the entire board for their approval since one board member has no authority to bind the board to any particular course of action. Mr. Bowen said that it didn't seem to be an issue in respect to that event that was discussed. Mr. Bowen stated that the other aspect to the issue was if you have a meeting where the Town Administrator has asked certain Department Heads to report back to him on something that was going on would that be covered by the open meeting law? He said unless the Town Administrator was forming a sub-committee or a special study committee then the answer would be no. Mr. Bowen gave an example if the Town Administrator called him into his office on a particular day wanting to talk about a legal issue and maybe brought the Town Treasurer in to talk about tax titles, would that type of meeting be subject to the open meeting law? And the answer would be no even if a board member happened to be in the Town Hall and wanted to sit in and attend. He stated on the other hand if the Town Administrator or the board was setting up certain sub-committees and they were meeting then yes, you would want to get those meetings posted to follow the open meeting law. Mr. Bowen stated that he didn't review the tape of the particular comment that was made but having talked with a number of people about it, that is sounds like it was more of a need for clarification and perhaps a misunderstanding rather than a violation. Selectman Holmes stated that he thought this came up when a motion was made about having graduate students do a survey on the bus transportation and forming a committee and he stated that it was the Chairman and maybe he just used the wrong words they already have a committee for that and it was out of context indicating that he along with Mr. Andrews and the Chairman of the School Committee, Finance Committee and it sounded like it was a committee as opposed to Mr. Bowen's clarification. Selectman Holmes stated that since it wasn't a committee then there isn't a violation. Selectman Schneider stated that he did hear enough of the conversation in respect to what is being addressed and wasn't sure if it addressed the issue of whether or not the School Committee as individual members or the entire school committee and the Board of Selectmen individually with particular members of the school committee if that constitutes a round robin discussion. He stated for the purposes of his issue last week it wasn't so much in relation to the committee or the task force in

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

relations to the two chairman of the School Committee, the school superintendent and the Town Administrator meeting. Selectman Schneider said that his comments were not in relation to the open meeting law his comments were in relation to policy set by the Board of Selectmen. Attorney Bowen stated that he did take a look at the policy and the policy made it very clear that meetings, studies, committees and so forth cannot be initiated by any individual member but they have to be the result of the full operation of the board before you can go do that and he stated the policy is very clear on that. He stated that from what he has learned it was that the Town Administrator initiated the get together of these officials and it wasn't in violation of the boards policy. He stated that if one of the Selectmen initiated it then it would have been. Selectmen Schneider said that he appreciates Attorney Bowen's comments but the policy does read that no position of the Board of Selectmen can be presented to anyone else either. He said that clearly a motion was drafted and adopted as a result of the discussion-taking place. Selectman Schneider said from his standpoint is what's important that we have the Town Charter, bylaws as well as Mass General Laws and Board of Selectmen policies and the whole structure is based upon following the rules and the law and wanted to make sure the board is following the rules and the law. Attorney Bowen that they board cannot go out and do stuff on their own and they need the authority of whole board and a majority vote on everything.

**6. 7:15 P.M. HEARING – TAX CLASSIFICATION HEARING**

**MOTION:** Selectman Holmes moved to open the public hearing for discussion of tax classification. Selectman Schneider seconded.

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

Selectman Holmes read the notice of public hearing into record (as attached)  
Present before the board: Elsa Miller, Assessor and Gary Miser, Assistant Assessor along with Steve Curry, Chairman of the Board of Assessors

Ms. Miller spoke about the estimated tax rate of \$9.38 with the average tax bill being \$2385.00. Some discussion ensued about the plaza being broken into three sections. Ms. Miller stated that the assessor does recommend a single rate and the split rate wouldn't be favorable in bringing in new businesses.

**MOTION:** Selectman Holmes moved to continue the public hearing until such time as Assessors have a certified valuation for the board's final consideration. Selectman Schneider seconded.

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

**MOTION:** Selectman Schneider moved to set the residential factor of 1. Selectman Winslow seconded.

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

**7. CDBG GRANT APPLICATION – CEDA DIRECTOR**

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

Present before the board: Peter Sanborn, CEDA Director  
Mr. Sanborn was before the board with an update on the current CDBG grants and FY2012 Grant application.

**MOTION:** Selectman Holmes moved to accept the FY2012 mini entitlement grant application. Selectman Winslow seconded for discussion and questioned if the \$24,000 was the Construction Administration? He stated that it's not and it's a reduction of \$20,000 for police detail and \$4,000 from Social services, which were \$1000 from Christopher Donovan Day School and \$3,000 from OWL passes. Discussion ensued.

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

**MOTION:** Selectman Holmes moved and read the following: Designation of Environmental Certification in my capacity as Chairman of the Board of Selectmen for the Town of Wareham, Massachusetts designate Mark J. Andrews, Town Administrator as the Environmental Certification Officer signed by Walter B. Cruz, Sr., Chairman of the Board dated December 13, 2011. Selectman Winslow seconded.

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

**8. DISCUSSION RE: WESTFIELD**

A meeting will be held on January 14<sup>th</sup> at 8:30 a.m.

**9. CONSENT AGENDA**

A. Authorization to sign bills and documents, etc.

(i) Contract #2 – Sewerage works improvements, estimate 15 & 16

**MOTION:** Selectman Holmes to approve payment of Contract #2 CWSRF 3022 estimate #15 in the amount of 177,650.00. Selectman Winslow seconded.

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

**MOTION:** Selectman Holmes moved to approve payment of Contract #2 CWSRF 3022 estimate #16 in the amount of \$332,051.94. Selectman Begley seconded.

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

**10. LICENSES & PERMITS**

**MOTION:** Selectman Holmes moved to approve the following Renewals of the following Year Round Retail Package Goods Store All Alcoholic Beverages Licenses for the year 2012, under the provisions of chapter 138 of the Massachusetts General Laws. Selectman Winslow seconded.

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

- i. Vinayak Liquors, Inc., d/b/a Anchor Liquors, Deepal Patel, Manager, 2360 Cranberry Highway, West Wareham.
- ii. Assinippi Liquors, Inc., Raymond Vezina, Manager, 3 Barker Road, East Wareham.



SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

- iii. Browne's Package Store, Inc., d/b/a Browne's Liquors, Karan Johar, Manager, 135 Marion Road, Wareham.
- iv. The Jinjas Company, Ltd., d/b/a The Jug Shop, Adelaide DePonte, Manager, 219 Main Street, Wareham.
- v. The Liquor Locker, Inc., Bhavini Pranav Parekh, Manager, 3021 Cranberry Highway, East Wareham.
- vi. SRI OM, LLC d/b/a Mayflower Liquors, Monika Johar, Manager, 3150 Cranberry Highway, East Wareham.
- vii. Mill Pond Station, LLC, Jack Gadles, Manager, 2569 Cranberry Highway, Wareham.
- viii. Oak Grove Corporation, Ronald McCoy, Manager, 47 Depot Street, East Wareham.
- ix. Onset Village Market, Inc., Natwarabhai Patel, Manager, 231 Onset Avenue, Onset.
- x. Pepin's, Inc. d/b/a Pepin's Liquors, Mark Pepin, Manager, 2259 Cranberry Highway, West Wareham.
- xi. D.J. Sullivan, LLC d/b/a Sullivan Wine & Spirit, Joel Sullivan, Manager, 260 Marion Road, Wareham.
- xii. Narnarayan Liquors, Inc., d/b/a Wareham Liquors, Dimpelben Patel, Manager, 419 Main Street, Wareham.
- xiii. Acap, Inc. d/b/a Wines & More, Wareham, Thorpe J. Doran, Manager, 2421 Cranberry Highway, Suite 460, Wareham.

**MOTION:** Selectman Holmes moved to approve the following renewals of Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2012, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Winslow seconded.

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

- i. Trova, Inc. d/b/a Bailey's Surf 'N Turf, Richard O'Melia, Manager, 3056 Cranberry Highway, East Wareham.
- ii. Charlie's Place, Inc., Charles Nickolaow, Manager, 3075 Cranberry Highway, Wareham.
- iii. Pepper Dining, Inc., d/b/a Chili's Grill & Bar, Joshua Thibault, Manager, 2889 Cranberry Highway, East Wareham.
- iv. LR Hunt, LLC dba Café Soleil, Leanne Hunt, Manager, 241 Main Street, Wareham.
- v. Mark, Inc. dba China Garden, Jomena Mark, Manager, 265 Marion Road, Wareham.
- vi. Al & El Corp. dba Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, East Wareham.
- vii. Fan Club, Inc., Glen Justice, Manager, 2859 Cranberry Highway, East Wareham.
- viii. G.S. Corporation d/b/a Gateway Tavern, Joseph Sauro, Manager, 371

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

Marion Road, Wareham.

- ix. Hong Kong Island Restaurant, Inc., Henry Chan, Manager, 3035 Cranberry Highway, East Wareham.
- x. Lindsey's Inc., Cheryl Lindsey, Manager, 3138 Cranberry Highway, East Wareham.
- xi. Little Harbor Country Club, Inc., Christine DiRienzo, Manager, 2 Little Harbor Road, Wareham.
- xii. Rare Hospitality International, Inc. d/b/a LongHorn Steakhouse, Patricia Garcelon, Manager, 2421 Cranberry Highway, Suite 480, Wareham.
- xiii. Concol, Inc., d/b/a Narrows Crossing Restaurant, Robert Nawoichik, Manager, 1 Narrows Road, Wareham.
- xiv. 99 Restaurants of Boston, LLC, Todd Cardeiro, Manager, 3013 Cranberry Highway, East Wareham.
- xv. Stevie B's, Inc., d/b/a Onset Sports Resort, Stephen Beranger, Manager, 270 Onset Avenue, Onset.
- xvi. Blue Dog, LLC, d/b/a Piper Beau's, Nicholas Jeppi, Manager, 207 Main Street, Wareham.
- xvii. Pier View Restaurant, Inc. dba Stephen's Lounge, Stephen Baptiste, Manager, 201 Onset Avenue, Onset.
- xviii. Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits, David Pincus, Manager, 2421 Cranberry Highway, Suite 350, Wareham.
- xix. Salerno's, Inc., d/b/a Salerno's Function Hall, John C. Salerno, Manager, 196 Onset Avenue, Onset.
- xx. Hadley-Macintosh Enterprises dba The Stonebridge, Justin Hadley, Manager, 5 East Boulevard, Onset
- xxi. Vel's Inc., d/b/a Vel's Restaurant, Carlton Bump, Manager, 2352 Cranberry Highway, West Wareham.
- xxii. Wasabi Steakhouse, Inc., d/b/a Zen Palace, Ying Shi, Manager, 2421 Cranberry Highway, Wareham, MA

Renewal of Year Round Common Victualer All Alcoholic Beverages Licenses for the year 2012, under the provisions of Chapter 138 of the Massachusetts Laws – Digital Credit Union, d/b/a Bay Pointe Country Club, William Fuller, Manager, 19 Bay Pointe Drive, Onset. – Some discussion ensued regarding the manager as well as the bar not being open. Attorney Rich Bowen stated that chapter 138 section 16A governs all renewals and it states that liquor licenses shall be renewed unless cause is shown. He said that would require a hearing and notices sent out as to what causes you would not be renewing.

**MOTION:** Selectman Holmes moved to approve the renewal of the year round common victualer all alcoholic beverages license for the year 2012, under the provisions of Chapter 138 of the Massachusetts General laws for Digital Credit Union, d/b/a Bay Pointe Country Club, William Fuller, Manager, 19 Bay Pointe

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

Drive, Onset. Selectman Holmes seconded.

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

**MOTION:** Selectman Holmes moved to schedule a hearing on January 17, 2012 on the license issued to Digital Credit Union, d/b/a Bay Pointe Country Club. Selectman Schneider seconded.

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

Selectman Begley asked Attorney Bowen if they should also renew Captain Al's and bring them in for a hearing? Attorney Bowen stated that it would be best to send them all a notice and have a hearing and apply the rules across the board to everybody.

**MOTION:** Selectman Holmes moved to approve renewal of the year round common Victualer all alcoholic beverages license for Captain Al's Restaurant, LLC, Alfred Harrington, Manager, 3236 Cranberry Highway, E. Wareham for the year 2012, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Winslow seconded.

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

**MOTION:** Selectman Holmes moved to request Alfred Harrington Manager to come before the board on January 17, 2012 to discuss his long closure. Selectman Winslow seconded for discussion. Attorney Bowen stated that he has gone through the policies and stated that if someone is planning on closing for a long duration they should come before the board for permission. He stated that a certified mail should be sent to the license holders and votes a new set of regulations so that everyone knows about and it needs to be consistent across the board.

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

Selectman Winslow spoke about Pomodores having a name change and not coming before the board.

**MOTION:** Selectman Holmes moved to approve the renewal of the year round common victualer all alcoholic beverages license for the year 2012, under the provisions of Chapter 138 of the Massachusetts General Laws for Welch Restaurant & Lounge, Inc., d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway, Wareham. Selectman Winslow seconded.

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

**MOTION:** Selectman Winslow moved that Welch Restaurant & Lounge, Inc., d/b/a Pomodore's Restaurant & Lounge, Brian Welch, Manager, 2424 Cranberry Highway Wareham appears before the board on January 17, 2012 for a status conference. Selectman Schneider seconded.

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

Selectman Schneider had a question regarding Rosebrook Place Licenses.

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

**MOTION:** Selectman Schneider moved to have Rosebrook Place Hospitality come before the board for a status conference. Selectman Holmes seconded for discussion. He stated that it was his understanding when the licenses were issued that the board at that time knew they wouldn't be open right away.

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

**MOTION:** Selectman Holmes moved to renew the year round common victualer all alcoholic beverages license for the year 2012, under the provisions of chapter 138 of the Massachusetts general laws for Rosebrook Place Hospitality, LLC d/b/a Rosebrook Place Hospitality, James F. Kane, Manager, 2476 Cranberry Highway, Wareham. Selectman Schneider seconded.

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

**MOTION:** Selectman Holmes moved to renew the year round common victualer all alcoholic beverages license for the year 2012, under the provisions of chapter 138 of the Massachusetts general laws for Rosebrook Place Hospitality, LLC d/b/a Rosebrook Place Hospitality, James F. Kane, Manager, 2472 Cranberry Highway, Wareham. Selectman Winslow seconded.

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

**MOTION:** Selectman Winslow moved to approve the following year round Common victualer wines and malt beverages incense for the year 2012, under the provisions of chapter 138 of the Massachusetts general laws. Selectman Schneider seconded.

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

*Note: Chairman Cruz wasn't in the room at the time of vote.*

- i. Welch's Barnacle Bill, Inc., d/b/a Barnacle Bill's, Brian Welch, Manager, 3126 Cranberry Highway, East Wareham.
- ii. Marc Anthony's LaPizzeria, Ltd., d/b/a Marc Anthony's, Mark A. Salerno, Manager, 190 Onset Avenue, Onset.
- iii. Tsika, Inc. d/b/a Minerva's Pizza, Litsa Kalkanis, Manager, 257 Main Street, Wareham.

**MOTION:** Selectman Winslow moved to approve the renewal for the following year round club all alcoholic beverages license for the year 2012, under the provisions of chapter 138 of the Massachusetts general laws.

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

- i. Wareham Lodge of Elks #1548, Manuel J. Garcia, Manager, 2855 Cranberry Highway, East Wareham.
- ii. Cromesett Tribe #156 Improved Order of Redmen, Inc., Philip Gustafson, Manager, 745 Main Street, Wareham

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

**MOTION:** Selectman Holmes moved to approve the renewal of the following Year Round Veterans Club all Alcoholic Beverages License for the year 2012, under the provisions of chapter 138 of the Massachusetts General Laws: Selectman Winslow seconded.

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

- i. American Legion, Inc., d/b/a American Legion Post #220, John Fearing, Manager, 777 Main Street, Wareham.
- ii. Dudley L. Brown Post #2846 VFW of US, Inc., Arthur Lee, Manager, 4 Gibbs Ball Park Road, Onset.

**MOTION:** Selectman Holmes moved to approve the following applications for year round liquor licensees to remain open until 2:00 a.m. on January 1, 2012 for New Year's Eve parties to be held December 31, 2011, under the provisions of chapter 138 of the Massachusetts General Laws. Selectman Winslow seconded.

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

- i. G.S. Corporation d/b/a Gateway Tavern, Joseph Sauro, Manager, 371 Marion Road, Wareham.
- ii. Al & El Corp. dba Ella's Woodburning Oven Restaurant, Bree Swierkowski, Manager, 3136 Cranberry Highway, East Wareham.
- iii. Wareham Lodge of Elks, Manuel Garcia, Manager, 2855 Cranberry Highway, East Wareham.
- iv. Hong Kong Island Restaurant, Inc., Henry Chan, Manager, 3035 Cranberry Highway, East Wareham

**11. TOWN ADMINISTRATOR'S REPORT**  
**LEADERSHIP TEAM UPDATE**  
**LEADERSHIP TEAM UPDATE**

**PRESENTATION TO THE 6<sup>TH</sup> GRADE CLASS OF THE MIDDLE SCHOOL**

On Friday, November 18, 2011, Mr. Andrews was honored to present his perspective of Wareham Town Administrator to 75 6<sup>th</sup> graders at the Middle School Auditorium. Mrs. Bethany Chandler invited me to attend this event that was geared towards giving students a sense of municipal government. We discussed many topics from day-to-day operations to homelessness. It was a rewarding experience! Also, students were preparing for an essay contest to be held in December 2011.

**READING WEEK AT MINOT FOREST SCHOOL**

On Thursday, November 17, 2011, Mr. Andrews participated in Reading Week at the Minot Forest School. He attended Mrs. Reynolds class of 21 students

and read "Twas The Night before Thanksgiving". This was a very rewarding experience that he was very proud of our students.

**ROSEMARY LACKEY CELEBRATION OF OUR HOMETOWN  
HEROES  
AWARD OF 2011**

On Thursday, November 17, 2011, Chairman Cruz and Mr. Andrews attended BankFive Hometown Heroes award at Damian's Pantry. Chairman Cruz presented Ms. Rosemary Lackey with the Proclamation for her dedicated work and selfless volunteering authorized by the Board of Selectmen. This was a moving ceremony attended by volunteers, Bank Executives, and neighborhood leaders. This was a prestigious event marked by the spirit of volunteerism.

**CAPE COD CANAL CENTENNIAL 100<sup>TH</sup> CELEBRATION**

On Thursday, November 17, 2011, Mr. Andrews met with Mr. Mark Tirrell of the Cape Cod Canal Centennial Celebration Committee. Mr. Tirrell was representing the committee and the thousands of hours in planning for the core celebration expected to take place from July 26 to August 3, 2014.

**12. TOWN BUSINESS**

Town Administrator's FY2013 message on operating budget & capital plan – Mr. Andrews stated that the board would receive this on Thursday afternoon.

Proclamation – Wareham Code Club

Selectman Holmes read into record the Proclamation to the Wareham Code Club For the volunteer clean up day on Saturday October, 22<sup>nd</sup> at Shangri-La Park.

Discussion re: 7 Nicolas Drive

Present before the board: Jill Sheridan Hamlet, property owner

Ms. Hamlet said that in February 2011 they placed her 40B unit up for sale and they haven't had any offers on the home. In March of 2011 they contracted a realtor but the problem they are having is that the affordable resale value is greater than the actual market value of the house therefore, they are having difficulty selling it as an affordable unit. On May 18, 2011 the 90-day period to sell the unit expired in terms of their deed restriction. On October 23, 2011 they received an offer on the house but the offer had the stipulation that they lift the deed restriction. She was before the board asking that the deed restriction be lifted. Before the board was Brenda Eckstrom and Sandy Slavin from the Affordable Housing Trust Fund. Ms. Eckstrom said that going forward the Affordable housing Trust fund would like to be notified so that they can assist the homeowner.

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

**MOTION:** Selectman Holmes moved to lift the restriction and waive the town's option to purchase and to authorize the Chairman of the Board of Selectmen to execute said waiver. Selectman Winslow seconded.

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

d. Any town business

Selectman Begley would like to have discussion of School Bus Transportation placed on the next agenda.

**MOTION:** Selectman Schneider moved to invite the School Committee to the next meeting. Selectman Holmes seconded.

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

**13. SEWER BUSINESS**

a. FY2012 1<sup>st</sup> half omitted commitment

**MOTION:** Selectman Holmes moved the board to accept the letter for the 1<sup>st</sup> half omitted commitment for the FY12' sewer users fee, in the amount of \$22,897.87. Selectman Winslow seconded.

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

***Note: Selectman Schneider wasn't in the room at the time of vote***

b. Sewer tie-in for Pomodores Restaurant

Present before the board: Guy Campinha

Mr. Campinha stated that Pomodores would like to tie into to sewer due to a failing septic system. He stated that he has reviewed the plans and not happy with the language of the easement it's called a licensed sewer area. He said that he asked Attorney Bowen and Marc Deshais what that meant and they said the license can be revoked and the easement becomes a deed. He would like this tabled so that he can speak with the owner to get clarification.

**MOTION:** Selectman Holmes moved to postpone the request until Mr. Campinha is satisfied and brings it back before the Board of Sewer Commissioners. Selectman Winslow seconded.

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

***Note: Selectman Schneider wasn't in the room at the time of vote***

c. Any other sewer business

Selectman Begley asked if Contract #3 could be placed on an upcoming agenda in January.

Selectman Begley asked if the board needed to vote on something for contract #2 so that the assessments and betterments can go out with the tax bill. Mr.

SELECTMEN/SEWER COMMISSIONERS MEETING - 12-13-11 (CONT'D)

Campinha stated that there wasn't anything for the board to vote on. She also asked if there were any warranties set to expire that they are having problems with.

Selectman Holmes asked Mr. Camphina to check on the warranties.

**14. LIAISON REPORTS**

The Hailey Hoperaiser will be held at the Elks Club from 10:00 a.m. to 6:00 p.m. on December 11, 2011.

Capital Planning and Library Board of Trustees will be meeting on Thursday.

The Recycling Committee was pleased with the outpouring of the business community, which supported "America recycles day"

There will be a joint meeting between the Finance Committee and the Board of Selectmen to discuss the FY11 budget and it will be televised.

The Tremont Nail Masterplan Committee is seeking members since the recent resignation of some members.

**15. ADJOURNMENT**

**MOTION:** Selectman Winslow moved to adjourn the meeting. Selectman Begley seconded.

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

**16. 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: 1-10-12

Attest:

  
***Stephen M. Holmes, Clerk***

Date Signed: 1-10-12

Date sent to the Town Clerk: 2-1-12





TOWN OF WAREHAM  
54 Marion Road  
Wareham, Massachusetts 02571

Attachment to 12/13/11  
meeting minutes

NOTICE

OF

PUBLIC HEARING

In accordance with the Massachusetts General Laws, Chapter 40, Section 56, the Wareham Board of Selectmen will conduct a public hearing on Tuesday, December 13, 2011 at 7:15 p.m. in the Multi-Service Center, Room 320, 48 Marion Road, Wareham, MA to receive public input relative to its decision in determining the FY12 residential factor. The residential factor determines the allocation of the real and personal property tax burden between various classes of property. Oral and written information on the views of the taxpayers of the town with respect to this matter will be received and considered up until the afternoon of the hearing, December 13, 2011. Comments may be sent by mail to the Town Administrator, c/o the Selectmen's Office, 54 Marion Road, Wareham, MA 02571. All comments received before the hearing will be read into the record at the hearing. Oral presentations may be made at the hearing.

WAREHAM BOARD OF SELECTMEN  
Walter B. Cruz, Sr, Chairman