



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

7:00 PM – Room #320 Multi-Service Center, 48 Marion Road, Wareham Massachusetts

- 1. CALL TO ORDER BY CHAIRMAN**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS**
- 4. CITIZENS PARTICIPATION**
- 5. WESTFIELD DISCUSSION**
- 6. CONSENT AGENDA**
  - a. Authorization to sign bills and documents, etc.  
Cromesett Park and Oakdale sewers, Contract No. 2 for \$185,625.00 to contractor P. Gioioso & Sons, Inc.
  - b. Approval of regular session meeting minutes: November 16, 2010, December 14, 2010, and December 21, 2010, January 4, 2011 & Special meeting minutes of October 27, 2010.
  - c. Appointments to Board of Health and Clean Water Committee.
- 7. LICENSES & PERMITS**
  - a. Application for Change of Manager for Wasabi Steakhouse, Inc. dba Zen Palace, 2421 Cranberry Highway, Suite 420, Wareham under the provisions of Chapter 138 of the Massachusetts General Laws.
  - b. Request for use of Town roads by Wareham Little League, Inc., c/o Valerie Cummings for their annual parade. The parade starts at Elms Street to Route 28 to the Little League Field on Charge Pond Road on April 17, 2011 at 12:00 p.m.
- 8. TOWN ADMINISTRATOR'S REPORT**
  - a. Leadership Team.
  - b. Southeastern Massachusetts Metropolitan Planning Organization.
  - c. Massachusetts Department of Revenue.
  - d. Upper Cape Cod Regional Technical School.

- e. Wareham's participation in South Coast regional comments on the 2010 Massachusetts Interstate, Merrimack and South Coastal watersheds small MA4 MPDES draft general permit.

Status Report of ongoing issues/projects.

**9. TOWN BUSINESS**

- a. Legal services update.
- b. Approval of WPD Policies and Procedures.
- c. Close Special Town Meeting Warrant.
- d. Any other town business.

**10. SEWER BUSINESS**

- a. Discussion re. 13 Arnold Street.
- b. Any sewer business.

**11. LIAISON REPORTS**

**12. ADJOURNMENT**

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

## MINUTES OF MEETING OF SELECTMEN/SEWER COMMISSIONERS

Date of Meeting: March 22, 2011  
Date of Transcription: October 24, 2011  
Transcribed by: Janet Wilson/Rebecca Benitez-Figueroa

### 1. CALL MEETING TO ORDER BY CHAIRMAN

### 2. ROLL CALL

Selectmen Present: M. Jane Donahue, Chairman  
Walter B. Cruz, Sr., Clerk  
Brenda Eckstrom  
Stephen M. Holmes  
Cara A. Winslow

Also present: Mark J. Andrews, Town Administrator

### 3. ANNOUNCEMENT

Chairman Donahue wanted to remind everyone of the breakfast being held at the VFW to honor the local Vietnam Veterans on Saturday.

### 4. CITIZENS PARTICIPATION

Present before the board: Sandy Slavin

Ms. Slavin spoke about the Appointment process and the vacancies listed on the website.

Present before the board: Gerry Barrows

Mr. Barrows had some questions regarding the protocol for entering into executive session. He also had a question regarding the taping of the meeting and stated that other meetings announce if anyone else is taping the meeting and asked why the board doesn't ask.

### 5. WESTFIELD DISCUSSION

Present before the board: Bruce Sauvageau

Mr. Sauvageau stated the Westfield Committee has made progress and they hope to deliver a completed review and incorporate it into the word document by the 24<sup>th</sup>. Also Mr. Sauvageau stated that the Superintendent at the WCPF has confirmed capacity for the project and recommending a minimum main that would be incorporated within the RFP. He said the only outstanding issue would be on the deadline meeting and when that would be held. The board agreed to hold a meeting on Saturday the 26<sup>th</sup> at 11:00 p.m. At this time Sandy Slavin came before the board to answer questions regarding CPC. Ms. Slavin stated that the CPC is planning on meeting tomorrow and she will ask if the developer works the fields, maintains the fields and operates the fields that they can charge fees for using that fields including Wareham residents and committees.

### 6. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-22-11 (CONT'D)

Cromesett Park and Oakdale Sewers, Contract No. 2 for \$185,625.00 to contractor P. Gioioso & Sons, Inc.

**MOTION:** Selectman Cruz moved to approve payment to CDM for contract #2, project # CWSRF3022, estimate #10 balance due \$340,520.08. Selectman Winslow seconded.

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

*Note: Selectman Eckstrom was not in the room at the time of the vote.*

b. Approval of regular session meeting minutes: November 16, 2010, December 14, 2010, December 21, 2010, January 4, 2011 & Special meeting minutes of October 27, 2010.

**MOTION:** Selectman Cruz moved to approve the Selectmen's Meeting Minutes of November 16, 2010. Selectman Winslow seconded.

**VOTE:** 3-0-2 (Selectmen Donahue and Eckstrom abstained)

**MOTION:** Selectman Cruz moved to approve the Selectmen's Meeting Minutes of December 14, 2010. Seconded by Selectman Winslow.

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

**MOTION:** Selectman Cruz moved to approve the Selectmen's Meeting Minutes of December 21, 2010. Seconded by Selectman Eckstrom.

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

**MOTION:** Selectman Cruz moved to approve the Selectmen's Meeting Minutes of January 4, 2011. Seconded by Selectman Winslow.

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

**MOTION:** Selectman Cruz moved to approve the Selectmen's Meeting Minutes of October 27, 2010 – Special Meeting. Seconded by Selectman Eckstrom.

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

c. Appointments to Board of Health and Clean Water Committee

**MOTION:** Selectman Holmes moved to appoint Lisa Irish as a member to the Board of Health to a term to expire June 20, 2012. Selectman Winslow seconded.

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

*Note: Selectman Eckstrom was not in the room at the time of the vote.*

Chairman Donahue stated that they also have before them a decision on appointment to the Clean Water Committee. Selectman Holmes stated that this is a position that was open on the committee and this is not to fill a position that is vacant due to a resignation of one of the members. There was a question regarding the appointment and Selectman Holmes asked that this appointment be placed on next week's agenda.

7. LICENSES & PERMITS

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-22-11 (CONT'D)

- a. Application for Change of Manager for Wasabi Steakhouse, Inc., d/b/a Zen Palace, 2421 Cranberry Highway, Suite 420, Wareham, under the provisions of Chapter 138 of the Massachusetts General Laws.

Chairman Donahue asked if anyone was present before the board to represent Wasabi Steakhouse. Nobody was present.

**MOTION:** Selectman Winslow moved to approve the application for Change of Manager for Wasabi Steakhouse, Inc., d/b/a Zen Palace, 2421 Cranberry Highway, Suite 420, Wareham to Ying Shi, under the provisions of Chapter 138 of the Massachusetts General Laws. Selectman Cruz seconded.

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

- b. Request for use of town roads by Wareham Little League, Inc., c/o Valerie Cummings for their annual parade. The parade starts at Elm Street to Route 28 to the Little League Field on Charge Pond Road on April 17, 2011 at 12:00 p.m.

**MOTION:** Selectman Winslow moved to approve the Request for use of town roads by Wareham Little League, Inc., c/o Valerie Cummings for their annual parade. The parade starts at Elm Street to Route 28 to the Little League Field on Charge Pond Road on April 17, 2011 at 12:00 P.M. Selectman Eckstrom seconded.

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

8. TOWN ADMINISTRATOR'S REPORT  
LEADERSHIP TEAM

LEADERSHIP TEAM

ONSET STONEBRIDGE SEWER LINE REPLACEMENT UPDATE

The Onset bridge project is moving along nicely. They have removed all the insulation from the pipe and have removed 50% of the pipe itself. We should by the end of today, have all the pipes removed and working on removing the rollers and doing a complete inspection of the structure holding the pipe in place. We will excavate around the pipe into the ground to assure that there is plenty of good pipe to weld to. The police details, the past couple of days have added greater comfort and safety to working conditions both to the contractor and the public. Wait time in traffic has been at a minimal. We will continue to monitor progress and integrity of the by-pass pipe today and throughout the weekend. Mr. Guy Campinha was before the board updating them on the replacement of the sewer line.

SOUTHEASTERN MASS. METROPOLITAN PLANNING ORGANIZATION

(SMMPO) held at the District Southeastern Regional Planning and Economic Development (SRPEDD) update on Joint Transportation Planning Group (JTPG) Routes 6 and 28.

On Wednesday, March 16, 2011, Selectman Walter Cruz and Mr. Andrews attended a meeting with John Charbonneau, Town Planner at SRPEDD in Taunton, MA. Their

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-22-11 (CONT'D)

intention was to effectively communicate our active interest in assisting with the planning process for the Route 6 and Route 28 full depth reconstruction process. This is a \$15 million Transportation Improvement Program designed to enhance traffic flow, improve public safety, sidewalks and utilities. The Joint Transportation Planning Group will need our support and cooperation in the coming weeks and months. Also, he has secured the Massachusetts Dept. of Transportation for our 2<sup>nd</sup> Annual Wareham Works Economic and Community Development Summit to be held on Saturday, March 26, 2011 from (10:00 a.m. - 2:00 p.m.) as a keynote presenter on this important Transportation Improvement Project for Route 6 and Route 28.

**MASSACHUSETTS DEPARTMENT OF REVENUE**

On Tuesday, March 15, 2011, the DOR held a Regional Assessor's Conference for South Coast Communities. Ms. Marilyn Browne, Chief of Bureau of Local Assessment led this group discussion on various updates to the Commonwealth Gateway which is a state of the art Financial Management Information System for Cities and Towns. Also, topics of discussion included, certification preparation of local assessors' real and personal property proposal values, instructions questions and answers. This workshop qualified for assessors' continuing Education Credits.

**UPPER CAPE COD REGIONAL TECHNICAL SCHOOL:**

On Thursday, March 17, 2011, Mr. Andrews joined Mr. Kevin C. Farr and his staff on a tour of the Upper Cape Cod Regional Technical School. Mr. Farr will be present at next week's Selectmen's Meeting

**WAREHAM'S PARTICIPATION IN SOUTH COAST REGIONAL COMMENTS ON THE 2010 MASSACHUSETTS INTERSTATE, MERRIMACK AND SOUTH COASTAL WATERSHEDS SMALL MS4 NPDES DRAFT GENERAL PERMIT.**

On Friday, March 11, 2011, Mr. Andrews joined 36 communities in a group action response for the Town of Wareham with regards to Federal Environmental Protection Agency South Coastal Watershed, Small MS4 NPDES Draft General Permit. He has concerns regarding:

- a. The compliance with the permit conditions and requirements is cost prohibitive.
- b. Numerous conditions and requirements of the permit are vague.
- c. Compliance with certain permit conditions is impossible.
- d. EPA has exceeded its authority in issuing this permit.
- e. The permit will cause undue financial burden on the municipalities.
- f. Concerning section 2.90 non-numeric effluent limitations.
- g. Concerning 2.1.1.1.c the cause or contribute provision.
- h. Concerning section 2.2.1.d limits on phosphorus.

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-22-11 (CONT'D)

- i. Concerning section 2.2.1.e Long Island Sound TMDL Nitrogen limits.
- j. Concerning section 2.2.1.f and g regarding Bacteria TMDL's.

9. TOWN BUSINESS

- a. Legal services update  
Chairman Donahue stated that the Board will be meeting with three firms on Wednesday, March 23, 2011 who have submitted quotes
- b. Approval of WPD Policies and Procedures  
The Board has asked that this be placed on the next agenda so that they can look over the policies.
- c. Close Special Town Meeting Warrant

**MOTION:** Selectman Eckstrom moved to close the Special Town Meeting Warrant.  
Selectman Winslow seconded.

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

- d. Any other town business  
Selectman Eckstrom mentioned that the Scotty Monteiro, Jr. Foundation was instrumental with the Stop the Violence-Increase the Peace rally and the Foundation requested a letter of support from the Board of Selectmen for a grant application being made by the Foundation.

Selectman Eckstrom requested that the Board consider creating a policy regarding reciprocal use of Town Buildings. Selectman Eckstrom edified the Board that use of school buildings for elections would no longer be available after the upcoming election. Discussion ensued. Chairman Donahue to place this matter on the April 5, 2011 Selectmen's Agenda for discussion with School officials.

**MOTION:** Selectman Eckstrom moved to have the Board of Selectmen send a letter of support for a grant to the Scotty Monteiro, Jr. Foundation. Selectman Winslow seconded.

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

10. SEWER BUSINESS

- a. Discussion re: 13 Arnold Street  
Present before the Board: Attorney Robert Perry representing the owner  
Nazih Elkallassi – owner of property  
Guy Campinha – Treatment Plant Operator  
Attorney Perry gave a brief history regarding this property which was a buildable lot according to the Building Inspector. When the sewer lines were installed, a letter from the Town dated December 15, 2005 stated not to install a tie in stub for 13 Arnold St. An application to the Conservation Commission for Order of Conditions was denied. An appeal before the Superior Court overturned the Conservation Commission's denial. Ultimately, a house was constructed after Mr. Elkallassi paid a betterment fee in full and paid to have a stub for tie in in the amount of \$7900. Attorney Perry is seeking a

SELECTMEN/SEWER COMMISSIONERS MEETING - 3-22-11 (CONT'D)

reimbursement of the \$7900.00 on the premise that the cost of the stub is part of the betterment fee. Mr. Campinha stated that the lot was unbuildable before sewer and water lines were placed in Rose Point. Mr. Campinha's recommendation is that the Board deny the request for reimbursement. Brief discussion ensued.

Any sewer business

11. LIAISON REPORTS

Selectman Holmes advised that the intake coordinator at CEDA will no longer be at CEDA after the end of the month due to the grant reaching capacity. Selectman Holmes also informed the Board that grants given to 6 affordable and 2 market units on Main Street will not be able to be counted by the State for the Town's 40B inventory due to a change from State which changed from 20 years to 30 years.

Selectman Holmes reminded the Board of the Zoning Board of Appeals meeting on March 23, 2011 at 6:30 p.m. in the Town Hall Cafeteria regarding the wind power matter.

Chairman Donahue reported that the Finance Committee wanted to send the Town Meeting warrant to print on April 11, 2011. Chairman Donahue will try to get the Finance Committee to extend that to April 13, 2011 thereby giving newly elected Selectmen members the opportunity to vote of the articles. Also Chairman Donahue wishes to extend an invitation to the Finance Committee to attend the next Selectmen's meeting when the Upper Cape Vocation School budget would be presented. The Finance Committee continues to discuss the legal service budget.

Selectman Eckstrom reminds the Board and public of the upcoming 2<sup>nd</sup> Annual Wareham Works which will be held at Town Hall from 10 a.m. to 2 p.m. on March 26, 2011.

12. ADJOURNMENT

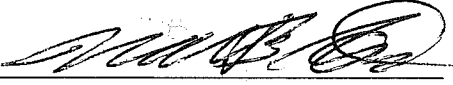
**MOTION:** Selectman Eckstrom moved to adjourn the meeting. Selectman Winslow seconded.

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

13. SIGNING OF DOCUMENTS APPROVED BY THE BOARD

Respectfully submitted,  
*Janet Wilson/Rebecca Benitez-Figueroa*

The foregoing minutes were submitted to the Board of Selectmen/Sewer Commissioners on: 11/8/11

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

Date Signed: 11/8/11  
Date sent to the Town Clerk: 11/9/11

