



TOWN of WAREHAM

Board of Selectmen/Sewer Commissioners

MEETING AGENDA

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

1. **CALL TO ORDER BY CHAIRMAN**
2. **ROLL CALL**
3. **DISCUSSION WITH MASS HIGHWAY DISTRICT 5 RE. FUTURE OWNERSHIP OF ROUTES 6 & 28.**
4. **ANNOUNCEMENTS**
5. **CITIZENS PARTICIPATION**
6. **CONSENT AGENDA**
 - a. Authorization to sign bills and documents, etc.
 - b. Interviews to Affordable Housing Trust Fund, Community & Economic Development Authority, Constable, Library Board of Trustees, Zoning Board of Appeals.
 - c. Appointments to Affordable Housing Trust Fund, Community & Economic Development Authority, Clean Water Committee, Commission on Disability, Community Preservation Committee, Community Events Committee, Conservation Commission, Constables, Historic District Commission, Library Board of Trustees, Marine Resources Commission, Old Colony Elderly Services, Open Space Committee, Recycling Committee, Wareham Cultural Council, Zoning Board of Appeals.
 - d. Approval of meeting minutes of October 19, 2010 and January 25, 2011.
7. **LICENSES & PERMITS**

None.
8. **TOWN ADMINISTRATOR'S REPORT**
 - a. Leadership Team.
 - b. Joint Transportation Planning Group.
 - c. Southeast Regional Planning and Economic Development District (SRPEDD).
 - d. Low cost intersection safety enhancement power point presentation.Status Report of ongoing issues/projects.

9. TOWN BUSINESS

- a. Extension of CDM contract.
- b. Discussion re. No Parking sign at Pond/Beach Streets
- c. Discussion re. Open Meeting Law.
- d. Discussion re. 2 Beach Street extension.
- e. Any other town business.

10. SEWER BUSINESS

- a. Sewer abatement request, account no. 38206, 2nd half FY2011 sewer usage bill at 3054 Cranberry Highway (continued from June 7, 2011).
- b. Approval of 2nd half omitted commitment for FY'11 sewer users fee.
- c. Any other 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: June 21, 2011
Date of Transcription: September 20, 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
Ellen M. Begley
J. Michael Schneider

Mark J. Andrews, Town Administrator, Absent

3. DISCUSSION WITH MASS HIGHWAY DISTRICT 5 RE: FUTURE OWNERSHIP OF ROUTES 6 & 28

Present before the board: Carrie Lavallee, Project Manager for DOT along with Pam Hasner, Bob Gregory and Joe Magney

Mr. Magney gave a presentation on the proposed change. He stated also that a media in the center of the highway will prohibit left hand turns except at turn signals. They are also proposing a new signal at Red Brook Road and also spoke about drainage. They are also planning on widening the road and stated the project would expect to start in Spring 2015 and will take approximately 2 years to complete at a cost of \$13 million. Ms. Hasner said that this project initiated back in the 1990's and they were asked to revisit the location in 2006. Selectman Holmes stated that the town just doesn't have the equipment and funds to clean the highway during snowstorms. Ms. Hasner said that they are willing to work with the town on the discontinuance of the roadway. Selectman Schneider was concerned with the cost to takeover the road. Mr. Gifford was also before the board and explained that it would increase our Chapter 90 funds and he was in support of the project and would like to see it move forward. Mr. Burke said it's a tremendous project and said one of the major changes that would take place with the widening would be some acquisition of the corridor and realignment of the signage.

4. ANNOUNCEMENTS

Selectman Holmes said that the board was looking for people to serve on the Board of Road Commissioners.

5. CITIZENS PARTICIPATION

Present before the board: Bruce Sauvageau

Mr. Sauvageau stated that he was in support of the future ownership of routes 6 & 28. Mr. Sauvageau asked how the publication of the Westfield RFP was coming along? Attorney Bowen stated that he along with Mr. Andrews have looked it over and they will expect to have a final document for the board to review at next Tuesday's meeting. Selectman Holmes stated that he has asked that the Westfield discussion be added to every agenda.

MOTION: Selectman Homes moved that Westfield be on the agenda every week until it's built. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

Mr. Sauvageau also stated that he does see residents before the board for the discussion of Lynne Road. He said that the neighbors were not permitted to or could not challenge that application or they would be sued for discrimination. He said that is how it was explained to him and he understands that Town Counsel wasn't present and wanted to let the board know that under MGL there is a statute that they do have the right to challenge without threat.

Present before the board: Carolyn McMorrow, Historical Commission along with September McCarthy

Ms. McMorrow said they have a new designed website www.warehamhistoricalsociety.org and said that they have two events coming up one is the Antiques fair on July 4th and also on June 26th they are having an open house at the Capt. Kendrick Museum.

Present before the board: René Pickett

Ms. Pickett was before the board to talk about 7 Lynne Road and she said that the HOA did submit a cease and desist order to the building department and has not received anything from them or Town Counsel to date. She said the residents of Beaver Meadows expected that the covenants be enforceable.

Present before the board: Concerned Citizen

Resident stated that they were at a meeting last night and asked about the success rate of this program. She stated that have huge concerns and there is a possibility that they could be sex offenders, drug addicts, schizophrenic and people with bipolar. She also mentioned that they have two other locations one in Falmouth and one in Centerville and at both locations the police are called to all the time.

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

Present before the board: Bill Whitehouse

Mr. Whitehouse said that he got a memo about a party in North Andover this weekend and that all department heads are required to attend. He said that this was a going away party for Chief Stanley and asked if the residents were also allowed? He said he heard that town employees were getting half a day off to attend. Chairman Cruz stated that is the first he has heard of it and stated that rumors are rumors.

Present before the board: Sean Murphy, Lynne Road resident

Mr. Murphy said he attended the meeting last night and that the owner of 7 Lynne Road Mr. White knew of the conveyance at his closing. He stated that Mr. White was asked at the meeting last night if he received a letter of concern along with a letter to cease and desist the construction at said property and he said no. Mr. Murphy said that after the meeting Mr. White came to him and told him that he did receive the letter and they did send them certified. He also stated that at the time of the closing that he was aware of the conveyance and the restrictions and also heard if he went to the HOA and told them what he was going to do they would deny it. He said that he was very dissatisfied with the officials and people employed in this town and said that this was not something his neighborhood had in mind. He fully expects that this manner get acted upon in a timely manner. Chairman Cruz stated that they did speak with a representative from the community and they had meetings with another group previously and they have been having meetings with Department of Mental Health, Fellowship and that the town lawyers have been on it. Attorney Bowen was before the board and stated that it's very difficult for the Board of Selectmen to take public positions that are pending. He said that in the last week he has spoken with each member of the Board of Selectmen and have had his or her input about the issues being raised. He said that he understands it's frustrating and said that Attorney Talerma is currently reviewing all the documentation and respectfully asked if anyone has any information he would be grateful. The board had some concerns that the move in date is scheduled for July 1st and asked that Attorney Bowen look over the information and act quickly.

Present before the board: Jennifer Petersen

Ms. Petersen said that the agency Fellowship Resources is licensed by the Department of Mental Health and not licensed by the Department of Mental Retardation. Fellowship Resources is contracted by the Department of Mental Health therefore they must follow the regulations of 104 CMR. This distinguishes very clearly the occupancy use between the mental health and the DDS population. She handed out a copy of the regulation to the board. She said she has read that this group would be exempt from local zoning and

planning and is different permit from Wareham, which is furthest from the truth as possible. She went on to say under the licensing 104 CMR-28 (3) Location and Physical Plant (a) Programs shall be located in areas and among other buildings which are appropriate to services provided, the general design of which does not emphasize the program's separateness or differences from the surrounding community in such a way as to stigmatize or devalue clients. She said this project has not been set off on the right foot. Ms. Petersen said that also all buildings shall meet all applicable state and federal laws including physical accessibility for individuals with disabilities, therefore they are not exempt from any local ordinances. She also stated please be reminded that the owner and program must contact the local building inspector for further facility requirements to apply for occupancy. If this residence is greater than four people it's a group dwelling has to comply with 421 and 425 of the state building codes.

Present before the board: Lisa Simmons

Ms. Simmons said that she heard the Attorney say he just received the information today and it was her understanding that this whole process has been going on for a couple of months. She was asking why it took until today for the Attorney to work on it?

Selectman Schneider asked Mr. Burke when he issued the building permit was it posted 10 days as required by law at the town office? Selectman Schneider asked how is a building permit issued? Mr. Burke stated that if there is no violation or request for a special permit and or variance from zoning after a review of building plans and what was asked of the client they were giving the information from the construction company that it was the Department of Mental Retardation. He said that in an effort to get more information to the board and the public he reached out to Attorney Talerman and he was asked to fax him more information. He said he will be meeting with Mr. Andrews to see what information he has provided to town counsel as well as what he felt was questions that needed to be answered. As far as the conveyance Attorney Talerman is trying to look up which case law, which may give them reason to have litigation with the owner of the property rather than the towns involvement. He said they would continue to meet in an effort to get the best information to the residents. Selectman Schneider asked Mr. Burke how does the public access information when someone comes in to apply for a permit? Mr. Burke said that it's a matter of public information and they would honor the request and there is a small fee for a copy of the permit. He said that it's not something that's posted. Selectman Schneider asked if the appropriate people to serve the cease and desist order the town or is it the owner of the property? Attorney Bowen said that ordinarily with the covenant you have two parties, and it comes down to the question whom is the beneficiary of the covenant?

It should be directed by the beneficiary of the covenant to the party that gave the covenant.

The board took a 5-minute recess.

Present before the board: Claire Smith, Town Moderator

Ms. Smith stated that she has appointed two citizens at large as members of the wind turbine study committee.

6. CONSENT AGENDA

- a. Authorization to sign bills and documents, etc. (none)
- b. Interviews to Affordable Housing Trust Fund, Community & Economic Development Authority, Constable, Library Board of Trustees Zoning Board of Appeals.

Present before the board: Brenda Eckstrom

Ms. Eckstrom was before the board seeking appointment to the Affordable Housing Trust Fund. She said she would like to continue being on the board since she was the Selectmen's representative on the board in the past.

Present before the board: Jennifer Petersen

Ms. Petersen is seeking appointment to the Community & Economic Development Authority. She said that she is a certified housing manager and has done many projects with HUD. She has attended a CEDA meeting and understands that they apply for grants and also for responsible economic development in the town.

Present before the board: Ian Daley

Mr. Daley was before the board seeking appointment as a Constable for the Town of Wareham. He said that he is a Teacher and also a member of the Constable Association. He said that he is trying to expand his business and does visit our town in the summer. He has been a constable since February in Taunton and hasn't served any papers yet and has been attending Mass Constable Association meetings.

MOTION: Selectman Holmes moved to appoint Ian Daley as a constable for the Town of Wareham to a term to expire no later than June 30, 2012. Selectman Winslow seconded.

VOTE: 5-0-0 (Unanimous)

Present before the board: Mary Kathleen LaFlamme

Ms. LaFlamme was before the board seeking appointment to the Library Board of Trustees. She said she lived in part time for 31 years and back in 2007 when

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

she made Wareham her permanent home she found out that our library was losing it's accreditation. She then joined a group called community arts and action and they have raised by having shows \$1500 for the library. She said she also has been volunteering at the library in the children's room and was a grammar school teacher.

Present before the board: Linwood Gay

Mr. Gay was before the board seeking appointment to the Marine Resources Commission. Mr. Gay has been a resident of Onset since 1943 and grew up on the Onset Harbor. He has attended a marine resources commission meeting and is an on-call fireman. He said that he attended a drill last year deploying oil booms in Swifts Beach. He would also like to see the return of the scallop beds.

The board was also to interview John Cronan who was seeking appointment to the Zoning Board of Appeals however, Mr. Cronan wasn't available to attend.

- c. Appointments to Affordable Housing Trust Fund, Community & Economic Development Authority, Clean Water Committee, Commission on Disability, Community Preservation Committee, Constables, Historic District Commission, Library Board of Trustees, Marine Resources Commission, Old Colony Elderly Services, Open Space Committee, Recycling Committee, Wareham Cultural Council, Zoning Board of Appeals

Appointment to the Affordable Housing Trust Fund.

MOTION: Selectman Schneider moved to appoint Sandy Slavin, Deborah Pfnister, Elizabeth Pezzoli to a term to expire no later than June 30, 2013. Selectman Holmes seconded for discussion. Selectman Holmes would like to see the terms staggered.

MOTION: Selectman Schneider moved to appoint Sandy Slavin to the Affordable Housing trust fund to a term to expire no later than June 30, 2012. and Deborah Pfnister to a term to expire no later than June 30, 2013 and Elizabeth Pezzoli to a term to expire no later than June 30, 2012. Selectman Holmes seconded. (some discussion ensued about the staggering of terms and since the bylaw states that they should be appointed to a term of 2 years Attorney Bowen advised the board they should appoint each member for 2 years and not stagger the terms) Selectman Schneider withdrew his motion. Selectman Holmes withdrew his seconded.

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

MOTION: Selectman Schneider moved to appoint Sandy Slavin, Deborah Pfnister and Elizabeth Pezzoli to a term to expire no later than June 30, 2013. Selectman Holmes seconded.

VOTE: 3-0-2 (Selectman Cruz & Winslow abstained)

MOTION: Selectman Begley moved to appoint Brenda Eckstrom as a member of the Affordable Housing Trust fund to a term to expire no later than June 30, 2013. Selectman Schneider seconded.

VOTE: 3-0-2 (Selectman Cruz and Winslow abstained)

The board postponed the appointment to CEDA until next meeting

MOTION: Selectman Holmes moved to reappoint Edward Pacewicz and Roseann Degrenier as members to the Clean Water Committee to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint Joseph Leggett as member Clean Water Committee to a term to expire no later than June 30, 2014. Selectmen Winslow seconded.

VOTE: 3-0-2 (Cruz & Schneider abstained)

Appointment to the Commission on Disability

MOTION: Selectman Holmes moved to appoint Jim Newman to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

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

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint Patricia Panzarino to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

Community Preservation Committee

MOTION: Selectman Holmes moved to appoint Nancy Miller and Sherbie Worthen as a member of the Community Preservation Committee to a term to expire no later than June 30, 2014. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

Community Events Committee

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

MOTION: Selectman Holmes moved to appoint Lori Benson as a member to the Community Events Committee to a term to expire no later than June 30, 2104. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint Linda Gay as a member to the Community Events Committee to a term to expire no later than June 30, 2014. Selectman Schneider seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint the following as Constables Richard Colletti, Charles Devlin, Michael Diesso, Cynthia Follis, Gregory Kamon, William McCusker, Robert Short, Robert Tirrell, Herve Vandal, Jr., Joel Thomas, George Morse and Thomas Zine, Sr., to a term to expire no later than June 30, 2012. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

Historic District Commission

MOTION: Selectman Holmes moved to appoint Nancy Miller and Carolyn McMorrow as a member to the Historic District Commission to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

Selectman Winslow asked that the Library Board of Trustees appointment be placed on next week's agenda.

Marine Resources Commission - before the board was David Begley who stated that he was interested in becoming a full member.

MOTION: Selectman Holmes moved to appoint Alan Slavin as a member of the Marine Resources Commission to a term to expire no later than June 30, 2104. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint David Begley as a full member to the Marine Resources Commission to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 4-0-1 (Selectman Begley abstained)

MOTION: Selectman Holmes moved to appoint Linwood Gay as an associate member to the Marine Resources Commission to a term to expire no later than June 30, 2012. Selectman Schneider seconded.

VOTE: 5-0-0 (unanimous)

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

MOTION: Selectman Holmes moved to appoint Richard C. Wheeler as an associate member to the Marine Resources Commission to a term to expire no later than June 30, 2012. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint Martha Strachan as a member to the Old Colony Elderly Services to a term to expire no later than August 30, 2012. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint Donald Hall as a member to the Open Space Committee to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to appoint John Dixon as a member to the Recycling Committee to a term to expire no later than June 30 2014. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

MOTION: Selectman Holmes moved to reappoint Sylvia Armeson, Audrey Carter and Jackson Gillman to the Wareham Cultural Council to a term to expire no later than June 30, 2014. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

d. Approval of meeting minutes of October 19, 2010 and January 25, 2011

MOTION: Selectman Holmes moved to approve meeting minutes of October 19, 2010. Selectman Winslow seconded.

VOTE: 3-0-2 (Selectman Begley & Schneider abstained)

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

VOTE: 3-0-2 (Selectman Begley & Schneider abstained)

7. LICENSES & PERMITS

(None)

8. TOWN ADMINISTRATOR'S REPORT

Mr. Andrews was excused and did not present Town Administrator's Report.

9. TOWN BUSINESS

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

a. Extension of CDM contract (on hold until next meeting)

b. Discussion re: No parking sign at Pond/Beach Streets

Present before the board: Mark Gifford

Mr. Gifford looked at the intersection and recommended no parking from Pond Street to Circle Drive, which is approximately 122 feet.

MOTION: Selectman Schneider moved to approve no parking from Pond Street to Circle Drive. Selectman Winslow seconded.

VOTE: 5-0-0 (unanimous)

c. Discussion re: Open Meeting Law

Present before the board: Attorney Bowen

Attorney Bowen spoke about email communications. He said in his opinion email and other communications exchanged sent or received by or among a quorum of the Board of Selectmen outside of a properly posted meeting violates the open meeting law if the subject matter of such communication relates to substantiated as compared to administrative matter. The new version of the Open Meeting Law, which took effect on July 1, 2010, contains a definition of deliberation which specifically referenced to email as follows: The Open Meeting Law defines deliberation as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction." "Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed. Some discussion ensued on email communication.

Discussion re: 2 Beach Street extension

d. Any other town business

10. **SEWER BUSINESS**

a. Sewer abatement request, account no. 738206, 2nd half FY2011 sewer usage bill at 3054 Cranberry Highway (continued from June 7, 2011)

Mr. Campinha was before the board and stated that they did receive a letter from the Water Department stating that the water was shut off.

MOTION: Selectman Winslow moved to abate acct # 738206 in the amount of \$298.00. Selectman Begley seconded.

VOTE: 5-0-0 (unanimous)

b. Approval of 2nd half omitted commitment for FY2011 sewer user fee

SELECTMEN/SEWER COMMISSIONERS MEETING - 6-21-11 (CONT'D)

MOTION: Selectman Winslow moved to approve the 2nd half omitted commitment for FY2011 sewer user fee. Selectman Schneider seconded.

c. Any other sewer business

11. **LIAISON REPORTS**

(none)

12. **ADJOURNMENT**

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

VOTE: 5-0-0 (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: 10/18/11

Attest:


Stephen M. Holmes, Clerk

Date Signed: 10/18/11

Date sent to the Town Clerk: 10/19/11

